

# **MAINE STATE LEGISLATURE**

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN  
APPENDIX.

---

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

---

BANGOR:  
WHEELER & LYNDE.

---

1857.

**CHAP. 115.** county shall provide books necessary for the records of the court, and necessary printed blanks.

Clerks of  
courts fees ;  
amount to be  
retained.  
R. S., c. 150,  
§ 3.

SEC. 5. Clerks of the judicial courts may retain, out of fees received by them during the past year, at the rate of one thousand dollars per year, and one half of the amount received over that sum, rendering an account of all fees as provided by law.

#### COMPENSATION OF MEMBERS OF THE GOVERNMENT.

Compensation  
of councilors,  
senators, rep-  
resentatives,  
secretary,  
clerk, and as-  
sistants.  
R. S., c. 150,  
§ 4.

SEC. 6. Each member of the council, senate, and house of representatives, shall be paid two dollars for every day's attendance, and two dollars for every ten miles of travel from his place of abode at each session.

The president of the senate, and speaker of the house of representatives, shall each be paid two additional dollars for every day's attendance. The secretary of the senate and clerk of the house of representatives shall be paid three dollars each, and their assistants, two dollars each, for every day of their employment. Pay rolls shall be made, and payment made by the treasurer of state according to these provisions. The superintendent of buildings shall be paid one dollar and twenty-five cents per day, without any commission upon moneys disbursed by him.

## CHAPTER 116.

#### THE REGULATION OF FEES AND COSTS.

SEC. 1. Fees chargeable, and costs taxable in civil and criminal suits.

##### FEES OF JUSTICES OF THE PEACE.

2. Fees of justices of the peace.
3. Fees of judges of municipal and police courts.

##### FEES OF THE CLERKS OF THE JUDICIAL COURTS.

4. Fees of clerks of the judicial courts, supreme judicial court, and court of county commissioners.

##### FEES OF SHERIFFS AND THEIR DEPUTIES.

5. Fees of sheriffs and their deputies.

##### FEES OF CORONERS.

6. Fees of coroners, for similar services.
7. Costs of inquests on dead bodies.

##### FEES OF CONSTABLES.

8. Fees of constables.

##### FEES OF JAILERS.

9. Fees of jailers, for commitment and discharge, and support of prisoners.
10. Jailers to make return to county commissioners of all their expenses and support of prisoners, at each of their stated sessions.

##### JURORS AND WITNESSES.

11. Jurors' fees.
12. Duty on jury trials to be paid to the clerk.
13. Fees of witnesses.

ALLOWANCE TO PARTIES AND ATTORNEYS IN CIVIL CAUSES.

CHAP. 116.

- SEC. 14. Costs taxed for parties and attorneys in civil causes; costs in actions brought in the supreme judicial court, which a magistrate might try.

COSTS TAXABLE FOR THE STATE IN CRIMINAL PROSECUTIONS.

15. Costs taxable for the state in criminal prosecutions.

PROBATE FEES.

16. Probate fees.  
17. Expenses of partition, or assignment of dower, in probate court, to be paid by parties; except when the judge requires executors, &c., to pay.

FEES OF THE SECRETARY OF STATE.

18. Fees of the secretary of state.

FEES OF REGISTERS OF DEEDS.

19. Fees of registers of deeds.

FEES FOR SOLEMNIZATION OF MARRIAGE.

20. Fees for solemnization of marriage.

FEES OF TOWN CLERKS.

21. Fees of town clerks.

FEES OF INSPECTORS.

22. Fees of inspectors, weighers, measurers and surveyors. Fish; beef and pork; pot and pearl ashes; lime; lumber; mill logs; firewood and bark; weights and measures, and fire-arms.

GENERAL PROVISIONS.

23. Inspectors may require returns from their deputies, under oath.  
24. What constitutes a written page. Fees for copying and annexing certificates in general cases.  
25. Fees not expressly provided for.  
26. Fee tables to be exposed to view in offices.  
27. Fees for entering appeal to be taxed and paid as other fees.

PENAL PROVISIONS.

28. Account of items, in writing, may be required by party paying penalty.  
29. Penalty for overcharging costs on justice writs, by attorneys or others.

SEC. 1. The fees for precepts and services, and the costs taxable in civil suits and criminal prosecutions, shall be as provided in this chapter. Fees, &c. R. S., c. 151, § 1.

FEES OF JUSTICES OF THE PEACE.

SEC. 2. For every blank writ of attachment and summons thereon, or original summons, ten cents. Fees of justices of the peace.

For every subpoena for one or more witnesses, ten cents. R. S., c. 151, § 1.

For the entry of an action, or filing a complaint in civil causes, including filing of papers, swearing of witnesses, examining, allowing, and taxing the bill of costs, and entering judgment and recording the same, thirty cents.

For the trial of an issue, eighty cents.

For a copy of a record or other paper, at the rate of twelve cents a page.

For a writ of execution, fifteen cents.

For a recognizance to prosecute an appeal, including principal and surety, twenty cents.

**CHAP. 116.** For taking a deposition, affidavit, or disclosure of a trustee, in any cause not pending before himself, twenty cents; for writing the same with the caption, and for the notification to the parties and witnesses, at the rate of twelve cents a page; the justice who takes such affidavit, deposition, or disclosure, shall certify the fees of himself, of the witnesses, or party disclosing, and of the officer serving the notifications.

For taking a deposition in perpetual memory of the thing, the same fees as in taking other depositions.

Administering an oath in all cases, except on a trial or examination before himself, and to qualify town or parish officers, and a certificate thereof, twenty cents, whether administered to one or more persons at the same time.

Taking the acknowledgment of a deed with one or more seals, if it is done at the same time, and certifying the same, seventeen cents.

Granting a warrant of appraisal in any case, and swearing appraisers, thirty-two cents.

For receiving a complaint, and issuing a warrant in criminal cases, fifty cents.

For entering a complaint in a criminal prosecution, swearing witnesses, rendering judgment, and recording the same, examining, allowing, and taxing the costs, and filing the papers, seventy-five cents.

Recognizing persons charged with crimes for their appearance at the supreme judicial court, and for certifying and returning the same with or without sureties, twenty-five cents, to be paid by the person so recognizing.

For a mittimus for the commitment of any person on a criminal accusation, twenty-five cents.

In case of a bastardy process, the fees may be charged as for like services in a criminal prosecution.

Recognizance of debt and recording, forty-two cents.

Drawing a rule for submission to referees, and acknowledging the same, thirty-three cents.

Writ to remove a nuisance, thirty-three cents.

Calling a meeting of any corporation, fifty cents.

For an examination of a debtor under the laws for the relief of poor debtors, fifty cents; for interrogatories proposed by the creditor or his attorney, and answers, to be paid by the creditor, twelve cents a page.

For travel on any official duty, at the rate of fifty cents for every ten miles in going and returning.

And in all cases where the attendance of two or more justices is required, each of them shall be entitled to the fees prescribed for all services rendered by him personally.

Judges of municipal and police courts.  
R. S., c. 151,  
§ 2.  
1842, c. 31, § 21.

SEC. 3. Except when otherwise expressly provided, the fees of the judge of any municipal or police court, whether in civil or criminal proceedings, shall be taxed in the same manner and at the same rate as the fees of justices of the peace, so far as applicable. When any such judge receives a stated salary for his services from the treasury of any county, he shall account, under

oath, to the treasurer of said county, for all fees accruing to him in said capacity, towards his salary, including ten cents for the blank writ in every action entered before him; and if such fees exceed the amount of his salary for any such quarter, the excess shall be by him paid over to such treasurer. CHAP. 116.

FEES OF THE CLERKS OF THE JUDICIAL COURTS.

SEC. 4. For services as clerks of the supreme judicial courts: Clerks of the courts.  
For every blank writ of attachment with a summons, or of scire facias, or an original summons, four cents. 1845, c. 148, § 1.  
R. S., c. 151, § 3.

For a blank writ of replevin with the seal, signature, and blank bond, eight cents.

For the entry of every action, entering up and recording the judgment, whether on a verdict, demurrer, nonsuit, or default, sixty cents.

Acknowledging satisfaction of a judgment on the record, eight cents.

For copies, twelve cents a page.

For continuing each cause to the next term, five cents.

Entering the surrender of a principal into court by his bail, and making a record thereof, fifteen cents.

For recording a petition for partition, and any order thereon, at the rate of twelve cents a page.

Entry of a rule of court upon the parties submitting a cause to referees, fifteen cents.

Proving a deed in court and certifying the same, twenty cents.

Authenticating the official signature of a magistrate, twenty-five cents.

For an original or other writ of execution in personal matters, and filing the same when returned, fifteen cents.

A writ of possession in real actions, twenty-five cents.

A writ of protection or habeas corpus, twenty-five cents.

A subpoena for one or more witnesses, or with a duces tecum, ten cents.

For each venire facias for jurymen, five cents, to be paid out of the county treasury.

Opening and filing a deposition, five cents.

Entering an indictment, presentment, complaint, or information, including the recording of the judgment of the court thereon, examining and casting the bill of costs, and filing the papers, sixty-five cents.

Each warrant for a criminal, twenty cents.

Examining and casting the grand jurors' accounts, and order thereon, thirty cents.

In an equity case, the court may allow a further sum, not exceeding ten cents a page in the whole, for making up the record, to be taxed by the clerk.

A writ of review, seventy-five cents.

A writ of scire facias, forty cents.

Every writ and seal, other than before mentioned, forty cents.

Each recognizance, including principal and sureties, twenty cents.

CHAP. 116.

Recording judgment in every criminal cause, forty cents.

Entering a discharge of a recognizance by proclamation or otherwise, fifteen cents.

For services as clerks of the county commissioners:

For a warrant for a county tax, ten cents.

A warrant to lay out or alter a road, ten cents.

Recording the reports of highways and other matters by order of the commissioners, and copies of all records, or papers, twelve cents a page.

For the entry of a petition, fifty cents.

## FEES OF SHERIFFS AND THEIR DEPUTIES.

Sheriffs and  
their deputies.  
15 Maine, 468.

SEC. 5. For the service of an original summons or scire facias, either by reading or copy, or for the service of a capias or attachment with summons on one defendant, twenty-five cents; if served on more than one defendant, twenty-five cents more for each.

If the sheriff, or his deputy, by the written direction of the plaintiff, his agent, or attorney, makes a special service of any writ of attachment by attaching property, he shall receive therefor fifty cents, including the summons thereon; and for taking the body on a capias, he shall be allowed fifty cents for each defendant on whom such writ is so served.

Where the officer is by law directed to leave a copy, or gives a copy of any precept upon demand, he may charge at the rate of twelve cents a page, which, in the latter case, shall be paid by the party demanding the copy.

1852, c. 232, § 1. If real estate is attached, the officer may charge twenty-five cents for leaving with the register of deeds an attested copy of his return and other particulars, as required by law, and in lieu of travel, legal postage from the post office nearest the residence of the officer; and the usual rate of travel from the residence of such officer to said post office; and he shall pay the register ten cents, and tax the same with his own fees.

For a bail bond and writing the same, including principal and sureties, to be paid by the person admitted to bail, and taxed for him, if he should prevail, twenty cents.

For the service of subpoena, notice to an adverse party, or other process in which there is no command to make return thereof, twenty-five cents; and if by copy, at the rate of twelve cents a page for the copy; and travel as in other cases; and service on an adverse party, by giving him an attested copy of the notice in hand, shall be valid.

For levying and collecting executions in personal actions, for every dollar of the first one hundred dollars, three cents; for every dollar above one hundred, and not exceeding two hundred dollars, two cents; and for every dollar above two hundred dollars, one cent.

For serving a writ of possession, one dollar and ten cents; and if on more than one piece of land, seventy-five cents for each piece of land after the first; and the fees for levying and

collecting the costs shall be the same as above provided for executions in personal actions. CHAP. 116.

For serving an execution upon a judgment of court for partition of real estate, or assignment of dower, one dollar a day and four cents a mile from the officer's place of abode to the place of service. For service of a petition to the legislature, thirty cents, and twelve cents for each page of copy, and usual travel. R. S., c. 13, § 4.

For causing appraisers to be sworn, and making return of levy on real estate, fifty cents.

For each appraiser of real estate, for extending execution, or assigning dower, one dollar a day, and travel at the rate of four cents a mile going out and returning home, to be paid by the officer and charged in his return.

For advertising, to be sold on execution, a right in equity of redeeming mortgaged real estate in a public newspaper, such sum as he pays to the printer for such advertisement; and for writing and posting up notices of the sale of such equity in the town where the land lies, and in two adjoining towns, one dollar; and for making out a deed and return of the sale of such equity, one dollar.

When the estate or interest of any person, held by a possession or improvement, is seized and sold on execution, or the franchise or other property of a corporation, or the property of an individual, is sold on execution by a process similar thereto, and advertising in like manner, the officer shall be entitled to the same as in the sale of an equity of redemption.

The fees of the register of deeds for recording any levy upon real estate, or the deed of the officer for the sale of any real estate on execution, shall be taxed by the officer in his return; and it shall be the duty of every officer, making a levy on real estate by appraisal, to cause the execution and his return thereon to be recorded by the register of deeds of the county where the land lies, within three months after such levy.

For the service of a warrant, the officer shall be entitled to 1855, c. 145. fifty cents, and fifty cents for service of a writ of habeas corpus to commit a person to jail or to the house of correction, and usual travel, with reasonable expenses incurred in the conveyance of such prisoner.

For each aid, necessarily employed in criminal cases, including expenses, one dollar per day, and in that proportion for a longer or shorter time, and four cents a mile for travel in going out and returning home.

For summoning witnesses in criminal cases, the same as in civil causes; unless in special cases, when the court may increase the fees to what they judge reasonable.

For the officer's attending court, and keeping the prisoner in criminal cases, seventy-five cents for every twelve hours, and in that proportion for a greater or less time.

For travel for the service of any writ, warrant, execution or other process, when not otherwise expressly provided by law, four cents a mile; the travel to be computed from the place of

CHAP. 116. service to the court or place of return, by the usual way; but if the distance between those places is more than fifty miles, only one cent a mile shall be allowed for all travel exceeding that distance; only one travel shall be allowed for any one precept; but if the same is served on more than one person, the travel may be computed from the place of service most remote from the place of return, with all further necessary travel in serving such precept; and with all reasonable sums paid by the officer for boat hire, and crossing any toll bridge or ferry.

No charge of any such officer for service, travel, or expenses paid, shall be allowed, unless the items thereof are expressly stated, and the amount of each.

For distributing venires for jurors, eight cents each; treasurer's warrants, twenty-five cents each; for proclamations of all kinds, five cents each.

For transmitting to the selectmen of towns precepts from the governor for calling special meetings for the election of representatives to congress from any district, with copies of the lists of persons previously voted for, for each town, fifty cents.

For each day's attendance by the sheriff on the supreme judicial court, three dollars, to be paid from the county treasury.

For every deputy sheriff, when ordered to attend said court, one dollar and fifty cents a day, from the county treasury. The sheriff, at its opening, shall present to the court a list of the officers attending, with a statement of the duties of each; and the court shall determine the number necessary, and disallow charges for others.

R. S., c. 151,  
§ 4.  
1857, c. 42, § 1.

For services under the provisions of law for the relief of poor debtors, as follows: taking a debtor before a justice or justices for disclosure, travel as in service of a writ, and attendance, twenty-five cents; for a bail or other bond, twenty-five cents; and for re-commitment of a prisoner when remanded, twenty-five cents; and no dollarage or commission shall be allowed to the officer for an arrest or commitment upon execution or mesne process, except upon the money actually collected; for arresting a debtor on execution, when he discloses without giving bond, fifty cents, travel as aforesaid; for keeping him, one dollar a day for himself and each necessary aid; for notifying the creditor and justices, twenty-five cents each, and travel as aforesaid; and no officer is required to arrest a debtor on execution, unless a written direction to do so, signed by the creditor or his attorney, is indorsed thereon, and a reasonable sum for such fees is paid or secured to him, for which he shall account to the creditor as for money collected on execution.

#### FEES OF CORONERS.

Coroners, for  
similar ser-  
vices.

R. S., c. 151,  
§ 5.

SEC. 6. Coroners shall be entitled to the same fees as sheriffs for similar services, except where otherwise expressly provided.

They may receive, for attending in court in every trial where the sheriff is concerned, twenty-five cents, and the same for attending the jury therein.

SEC. 7. The fees for taking inquests on dead bodies shall be CHAP. 116.  
as follows, to be certified in the coroner's return, and paid out of  
the county treasury;

To the coroner for granting a warrant and taking an inquest  
on one body, one dollar; if on more than one at the same time,  
whose death was caused by the same means, twenty cents for  
each body after the first, and ten cents a mile for travel from his  
residence to the place of inquest.

To the jurymen, seventy-five cents each for each day's attend-  
ance, and four cents a mile for travel each way.

To the constable for his travel and attendance and expenses  
in summoning a jury, ninety cents a day.

Costs of in-  
quests on dead  
bodies.

1842, c. 13, § 1.  
R. S., c. 151,  
§ 6.

#### FEES OF CONSTABLES.

SEC. 8. The fees of constables for the service, travel, and re- Constables.  
turn of each venire, shall be one dollar and fifty cents, to be R. S., c. 151,  
paid out of the county treasury; and for services which may be § 7.  
performed either by a deputy sheriff or a constable, the con-  
stable shall be allowed the same fees as a deputy sheriff, unless  
otherwise provided by law.

#### FEES OF JAILERS.

SEC. 9. The jailer's fees for the commitment or discharge of Jailer's, for  
a prisoner shall be twenty cents; and for the entire support of commitment  
and discharge,  
each prisoner of every description committed to his custody, such &c.  
sum, not exceeding at the rate of two dollars and twenty-five R. S., c. 32,  
cents a week, as the county commissioners judge reasonable. § 34.

SEC. 10. The jailer in each county shall render, on oath, to R. S., c. 151,  
said commissioners, at each stated session, an account of all ex- § 8.  
penses for the support of prisoners committed by due process of 1856, c. 254.  
law for any criminal offence, stating the time when each prisoner Jailers to make  
was committed, for what offence, how long held, and if his term return, &c.  
has expired, when discharged, and shall exhibit the warrants of R. S., c. 152,  
commitment and discharge; and the jailer shall credit all moneys § 16.  
and effects whatever, received or to be received of the prisoner, 1845, c. 131,  
or of other persons on his account; and the court, on due exam- § 1, 2.  
ination into the nature of the accounts and the ability of the 1856, c. 254, § 2.  
prisoner to refund any part of such expenses, shall order such  
accounts to be paid to the jailer, as provided in the preceding  
section, from the county treasury, and the same shall be refunded  
by the state.

#### JURORS AND WITNESSES.

SEC. 11. The grand jurors, and the jurors for trials, attend- Jurors' fees.  
ing at the supreme judicial court, shall each be allowed one dol- R. S., c. 151,  
lar and fifty cents per day for their attendance, and six cents a § 10.  
mile for their travel out and home, to be paid out of the county 1850, c. 165, § 1.,  
treasury; and jurors attending before a sheriff, or on any other  
occasion prescribed by law, shall be allowed a like compensation.

SEC. 12. There shall be paid to the clerk of the supreme Duty on jury  
judicial court by the plaintiff or appellant, seven dollars for the trials to be paid  
to the clerk.

CHAP. 116. trial by jury of each civil action, for the use of the county, to be taxed with his costs, if he prevails, and the clerk shall forthwith pay over the same to the county treasurer.

R. S., c. 151,  
§ 11.  
Fees of witnesses.  
R. S., c. 151,  
§ 12.  
1857, c. 48.

SEC. 13. Witnesses in the supreme judicial court shall receive a dollar and a quarter, and in the probate court, or before the county commissioners, one dollar for each day's attendance and six cents for each mile's travel going out and returning home; and before a justice of the peace, a judge of a municipal or police court, referees, auditors, or commissioners specially appointed to take testimony, fifty cents a day for attendance, and for travel, the same as at the courts aforesaid.

#### ALLOWANCE TO PARTIES AND ATTORNEYS IN CIVIL CAUSES.

Costs taxed for parties and attorneys, &c.  
R. S., c. 151,  
§ 13.

SEC. 14. To parties recovering costs in any court or before a justice of the peace, thirty-three cents for each day's attendance, and the same for every ten miles travel.

No plaintiff shall be allowed for more than three days' attendance when the defendant is defaulted, unless the defendant has appeared and answered to the plaintiff's suit; in which case, if the defendant is defaulted after three days, no attendance shall be allowed the plaintiff after the day when the default happens, and in no case for more than six days in all, unless the action is entered on the trial docket; and then, not exceeding ten days in each term.

Costs for travel shall be taxed in all cases according to the distance of the plaintiff or his attorney who is nearest to the place of trial; and when the action is in the name of an indorsee, such costs for travel shall be taxed according to the distance of the attorney, payee, or indorsee, who is nearest to the place of trial; but no costs for travel shall be allowed for more than ten miles distance from any justice, municipal or police court, nor for more than forty miles distance from any other court, unless the plaintiff recovering costs actually travels a greater distance, or the adverse party, if he recovers costs, by himself, his agent, or attorney, travels, in fact, a greater distance for the special purpose of attending court in such cause.

For a power of attorney, fifty cents; and for the plaintiff's declaration, fifty cents in the supreme judicial court; but no fee for a power shall be taxed before any justice of the peace.

For an issue in law or fact, there shall be allowed for an attorney's fee, two dollars and fifty cents in the supreme judicial court.

#### COSTS TAXABLE FOR THE STATE IN CRIMINAL PROSECUTIONS.

Costs taxable for the state in criminal prosecutions.  
R. S., c. 151,  
§ 14.  
1848, c. 51, § 1.  
1844, c. 95, § 2.

SEC. 15. For the attorney acting for the state, in all cases in the supreme judicial court, one dollar and twenty-five cents, unless there is a trial by jury, or an issue in law at the law court, in which case there shall be an additional charge of one dollar.

For the indictment in the supreme judicial court, one dollar and twenty-five cents.

For attendance, thirty-three cents a day, not to extend beyond

the second week of any one term; but no fees for travel shall be allowed in any case in which the state is a party. CHAP. 116.

No attendance shall be taxed in cases of defaulted recognizances, other than what is taxed in the prosecutions in which they are taken, until the return of a writ of scire facias issued thereon.

In all indictments against towns for neglecting to make or repair any way, not tried by the jury, the fees taxed for the state shall be limited to three dollars; and the costs shall not be taxed until the action is finally disposed of.

No fees shall be allowed to complainants before the grand jury against towns for neglecting to make or repair roads; nor to any other witnesses in such cases, unless summoned by the county attorney or grand jury.

#### PROBATE FEES.

SEC. 16. The register shall receive for such copies as are taxable by law, twelve cents a page. He shall demand no fee R. S., c. 151, for taking from the file of his office, or transporting to the place § 15. of the sitting of the probate court, such papers as are necessary in the settlement of any estate or account in said court.

To executors, administrators, guardians, and trustees, one dollar for every ten miles travel to and from the court, and one dollar for each day's attendance; and a commission, at the discretion of the judge of probate, whether the account is settled at one or more times, not exceeding five per cent. on the amount of personal assets that come to their hands; having regard to the nature, liability, and difficulty attending their trusts. In cases where legal counsel is necessary, a reasonable sum for professional aid shall be allowed, at the discretion of the judge.

To appraisers on estates, and to commissioners for receiving claims against insolvent estates, and to commissioners appointed to make division of estates, and for assigning and setting out a widow's dower, not exceeding two dollars a day for the time actually employed, including travel and expenses. The fees to subscribing witnesses to wills, and appraisers of estates, shall be paid by the executors, administrators, trustees, or guardians, and allowed in the settlement of their accounts.

SEC. 17. When a partition of real estate or assignment of dower is made by order of any judge of probate, the expenses thereof shall be paid by the parties interested in proportion to Expenses of partition, &c. R. S., c. 151, § 16. their interest; but when such expenses accrue prior to the closing of the final account of any executor or administrator of the deceased owner of any such real estate, having in his hands sufficient personal assets for the purpose, the judge of probate may order the same to be paid by such executor or administrator, and allow the same in his account.

An account of said charges shall first be exhibited to said judge, and allowed by him after due notice and hearing of all parties interested therein.

CHAP. 116. In case of neglect or refusal of any person liable to pay such expenses of partition and assignment of dower, the judge of probate may issue a warrant of distress against such delinquent for the amount due from him, and the costs of the process.

#### FEES OF THE SECRETARY OF STATE.

Secretary of state.

R. S., c. 151,  
§ 17.

SEC. 18. For a certificate under the seal of the state, one dollar; and for all copies, at the rate of twelve cents a page, if such certificate or copies are for the benefit of particular persons.

#### FEES OF REGISTERS OF DEEDS.

Register of deeds.

R. S., c. 151,

§ 18.

1853, c. 40, § 1.

1850, c. 207, § 4.

SEC. 19. For recording a deed or mortgage, fifty cents.

For recording the assignment of a mortgage, twenty-five cents.

For recording a levy, one dollar and fifty cents; and the same sum for certified copies of these instruments, as for recording them. And said registers shall make an alphabet to each volume of records without charge to the county.

For entering in the margin a discharge of the mortgage, to be signed by the person discharging it, twelve cents.

For receiving of an officer a copy of return of attachment of real estate, minuting on it when it is received, keeping it on file, and entering it in a book kept for the purpose, ten cents.

For receiving, filing, and recording certificate and description of homestead, fifty cents. The above fees are to be paid when the instrument is offered to be recorded.

#### FEES FOR SOLEMNIZATION OF MARRIAGES.

Fees for solemnization of marriages.

R. S., c. 151,

§ 19.

SEC. 20. Every ordained minister or justice of the peace, who lawfully solemnizes a marriage and certifies the same, shall be entitled to receive therefor one dollar and twenty-five cents.

#### FEES OF TOWN CLERKS.

Town clerks.

R. S., c. 151,

§ 20.

1852, c. 282, § 4.

SEC. 21. For entering and recording intentions of marriage, giving certificate of same, and recording marriage on receiving the minister's or justice's certificate thereof, fifty cents, to be paid on issuing the certificate of intention of marriage. For recording births and deaths, eight cents each. For a certificate of a birth or death, ten cents.

#### FEES OF INSPECTORS AND THEIR DEPUTIES, WEIGHERS, MEASURERS AND SURVEYORS.

##### *Fish.*

Inspectors,

weighers,

measurers and

surveyors, &c.

§ 21.

1845, c. 151, § 1.

1849, c. 91, § 6.

SEC. 22. For each certificate of exportation, seventeen cents; for inspecting and branding each tierce, ten cents; each barrel, seven cents; each box of smoked herrings or alewives, one cent; exclusive of the labor and expense of coopering; all which shall be paid by the seller.

For each barrel, inspecting and branding, twelve and a half cents; cutting, weighing, and packing, ten cents; and for coopering, ten cents.

For each half barrel, inspecting and branding, eight cents; cutting, weighing, and packing, seven cents; and for coopering, seven cents.

In case the amount to be inspected is less than ten barrels, he shall be allowed ten cents a mile for travel to the place where it is to be inspected.

For beef reserved for smoking, jerking, and other purposes, six cents for every two hundred pounds.

For each certificate required by law, twenty-five cents; for weighing hides and delivering a bill thereof, four cents a hide, to be paid by the purchaser.

The inspectors shall not be entitled to receive of their deputies more than at the rate of one-fifth of the fees by them received for the above specified services.

#### *Pot and Pearl Ashes.*

For inspecting and assorting, seven cents per hundred pounds; for coopering and nailing each cask and putting the same in shipping order, eight cents, to be paid by the purchaser.

The inspectors shall not receive from their deputies more than seven and a half per cent. on the fees for inspecting, nor any part of the sum allowed for coopering.

#### *Lime.*

For each cask inspected and branded, one mill; and two dollars and fifty cents for each day employed in inspecting; and in that proportion for any part of a day.

Each inspector shall receive from his deputy only one mill for each cask inspected and branded by the deputy.

#### *Lumber.*

To surveyors of boards, plank, timber and joist, for viewing only, six cents per thousand feet; for measuring and marking the same, six cents more; and in that proportion for any part of a thousand, to be paid by the buyer.

To the surveyors of shingles and clapboards, to be paid by the buyer, for surveying and telling, six cents per thousand.

To the viewers and cullers of staves and hoops, for barrel staves, twenty-five cents per thousand, and for hogshead and butt staves, thirty-three cents per thousand, as well refuse as merchantable; the merchantable to be paid for by the buyer, the refuse by the seller; and the culler of hoops shall be allowed forty cents per thousand.

#### *Mill Logs.*

To the surveyors, at the rates of four cents per thousand feet board measure for viewing and inspecting, and two cents per

CHAP. 116. thousand, in addition, for measuring and marking the quantity and quality of the logs, and making out and delivering certificates of the same, to be paid by the purchaser.

#### *Firewood and Bark.*

The measurers shall receive such fees for their services as the municipal officers of the town appoint, to be paid by the driver, and repaid by the buyer when brought by land, and by the wharfinger when brought by water.

#### *Weights and Measures.*

To the sealers of the several towns, for trying and proving by the town standard and sealing each beam, weight, and measure, found to be conformable to the standard, two cents, and if not conformable, four cents, to be paid by the person for whom they are sealed.

#### *Fire Arms.*

R. S., c. 151,  
§ 21.

Each prover shall be entitled to receive for each barrel proved, twenty-five cents, in addition to the expense of the powder necessarily used in the trial, whether the barrel stands the proof and is marked, or not.

#### GENERAL PROVISIONS.

Inspectors  
may require  
returns from  
their deputies.  
R. S., c. 151,  
§ 22.

What consti-  
tutes a written  
page, &c.

R. S., c. 151,  
§ 23.

Fees not pro-  
vided for.

R. S., c. 151,  
§ 25.

Fee tables to  
be exposed to  
view.

R. S., c. 151,  
§ 26.

Fees for enter-  
ing appeal to  
be taxed and  
paid as other  
fees.

1856, c. 199.

SEC. 23. The inspectors, of the several kinds of merchandise, commissioned by the governor, when they see cause, may require their deputies to render to them, under oath, a true account of the official services performed by them.

SEC. 24. Two hundred and twenty-four words shall constitute a written "page," if the writing contains that number, and where no other rule is provided, public officers shall be allowed for copies which they are required by law to furnish, twelve cents a page; for affixing an official seal to the same, when necessary, twenty-five cents more.

SEC. 25. In all cases not expressly provided for, the fees of all public officers, for any official service, shall be at the same rate as are prescribed in this chapter for like services.

SEC. 26. Every officer, whose fees are regulated by law, shall constantly keep a printed or legibly written list and description of such fees, exposed to public view in his stated place of business, if he has any.

SEC. 27. No justice of the peace, or judge or other officer of any municipal or police court, shall at the time receive any fees for entering an appeal or taking a recognizance to prosecute it, in a criminal case. The legal fees therefor may be taxed in the bill of costs, and certified and paid as other fees are.

#### PENAL PROVISIONS.

Account of  
items, in  
writing, &c.  
R. S., c. 151,  
§ 27.

SEC. 28. Every officer or other person upon receiving any fees herein stated, if required by the person paying them, shall make a particular account thereof, in writing, specifying for what

they accrued, or he shall forfeit to such person treble the sum CHAP. 116.  
paid, to be recovered in an action of debt.

SEC. 29. If any attorney at law or other person demands or  
takes for a writ of attachment with a summons, or for an orig-  
inal summons with the declaration, returnable before a justice of  
the peace, judge or recorder of a municipal or police court, more  
than fifty-seven cents from the defendant; or, in the taxation of  
costs, such justice, judge, or recorder, taxes or allows more than  
that sum for the same, he shall forfeit to the defendant not less  
than five, nor more than ten dollars, to be recovered in an ac-  
tion of debt.

Penalty for  
overcharging  
costs on jus-  
tice writs.

R. S., c. 151,  
§ 28.