

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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1867.

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# FORTY-SIXTH LEGISLATURE.

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HOUSE.

No. 44.

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## STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

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AN ACT to provide for uniformity in the taxation of legal costs by the clerks of the courts of this state.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECTION 1. That it shall be the duty of the justices  
2 of the supreme judicial courts of this state, to prepare  
3 a schedule or tariff of legal taxable cost, as provided  
4 by statute, which can lawfully be included in an exe-  
5 cution, issued by the clerks of said courts, and can be  
6 defined, naming each item in the chapters and several  
7 sections on fees, which shall be signed by said parties,  
8 or a majority of them, and passed to the secretary of  
9 state, who shall have a sufficient number of copies

10 printed at the expense of the state, in plain legible  
11 characters to furnish the several clerks of the courts of  
12 this state, with at least five copies each, to which  
13 shall be appended the provisions of this act.

SECT. 2. The schedule or tariff of fees thus prepared  
2 by the court, and forwarded by the secretary of state  
3 to the clerks of the several courts of this state, shall  
4 be by them posted in at least three conspicuous places  
5 in the court building, one in the clerk's office, one in  
6 the entrance or hall of the building, and one in the  
7 court room.

SECT. 3. Whenever any clerk shall issue an execu-  
2 tion on a judgment or decree of the court, he shall  
3 copy the several items of cost taxed in the execution  
4 on a separate slip of paper, to be passed into the hands  
5 of the officer, creditor or his attorney, as the case may  
6 be, with the execution when issued, which bill of cost  
7 shall be presented to the debtor with the execution, or  
8 kept with the execution to be furnished the debtor  
9 when called for.

SECT. 4. And if any clerk shall tax other or higher  
2 fee on any item of cost than that prescribed by the  
3 court, in the said schedule furnished, or not authorized  
4 by statute, he shall forfeit the sum of fifty dollars  
5 for each and every such offence, which penalty may  
6 be recovered by indictment, one half to be given to

7 the complainant and the other half kept for the use of  
8 the state.

SECT. 5. And if any clerk shall wilfully neglect to  
2 post the tariff of fees as is provided in this act, he  
3 shall be liable to a fine of one hundred dollars to be  
4 collected in the same manner as is provided in section  
5 three of this chapter.

SECT. 6. It shall be the duty of the court to revise  
2 or correct the schedule of fees once a year, so as to  
3 make it compare with the law.

SECT. 7. This act shall take effect the first day of  
2 August, eighteen hundred and sixty-seven.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
February 6, 1867. }

Reported from Committee on Legal Reform and Individual  
Rights of the citizen, by Mr. BROWN of Hampden.

FRANKLIN M. DREW, *Clerk.*