

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE FIRST.

Page.

- 40 L. 12 of the page for 'preceding' read 'presiding'
 54 Sec. 4 L. 14 of Sec. for 'time' read 'term'
 55 7 2 for 'a' read 'or'
 55 7 9 before the word 'said' insert 'the'
 56 9 3 for 'the' read 'her'
 57 1 6 for 'to' read 'in'
 58 1 5 for 'and' after the word 'house'
 read 'or'
 61 in the title of the act, ch. vi. insert 'the' before the word 'crimes'
 62 Sec. 2 L. 9 of S. before the word 'offender' insert 'such'
 69 16 8 for 'Treasurer' read 'Treasury'
 73 1 15 after the word 'for' insert 'the'
 77 13 6 for 'to' read 'of'
 78 first line of the page, dele the word 'by'
 80 L. 2 of the p. after the word 'willingly' insert 'aid or'
 80 17 for 'counterfeited' read 'counterfeit'
 82 1 after the word 'in' insert 'all'
 82 Sec. 7 L. 4 of Sec. after the word 'devised' dele 'or' and insert '
 83 Sec. 2 L. last of S. for 'aggravations' read 'aggravation'
 84 10 6 for 'and' read 'or'
 90 1st L. of p. for 'Commissioner' read 'Commissioners'
 90 L. 20 before the word 'Commissioner' insert 'said'
 97 6 for 'assumst' read 'assumpsit'
 97 14 for 'cover' read 'covin'
 98 at the end of the act for 'January' read 'February'
 99 L. 17 of p. after the word 'year' dele ' ; ' & insert ' , and '
 100 15 at the end of the line insert 'the'
 105 at the end of the Act for '1820' read '1821'
 108 L. 14 of page, for 'nuisances' read 'nuisance'
 108 20 after the word 'each' insert 'one'
 111 25 after the word 'fail' insert 'of'
 113 11 for 'on' read 'or'
 144 last for 'performance' read 'performing'
 145 Sec. 2 L. 9 of Sec. after the word 'of' insert 'the'
 147 7 6 before the word 'release' for 'to' read 'a'
 150 Sec. 6 L. 2 of Sec. for 'in' read 'is'
 151 in the title, before the word 'Lands' insert 'reserved'
 153 1st line of the p. for 'whenever' read 'wherever'
 155 last before the word 'Court' for 'a' read 'any'
 156 Sec. 4 L. 26 of Sec. for 'notification' read 'notifications'
 159 9 8 for 'purpose' read 'purposes'
 167 14 5 for 'votes' read 'vote'
 193 4 10 dele 'such'
 199 17 1 for 'when' read 'where'
 202 22 6 after the word 'near, dele 'to'
 202 23 10 for 'be' read 'he'
 203 24 16 for 'of' read 'in'
 203 25 16 for 'meeting' read 'meetings'
 205 L. 18 of p. before the word 'estate' insert 'other'
 210 2 before the word 'tenement' insert 'other'
 215 4 before the word 'guardians' insert 'guardian or'
 226 Sec. 73 L. 6 of Sec. dele 'a'
 229 3 last for 'agreeably' read 'agreeable'
 230 7 19 for 'agreeably' read 'agreeable'
 231 8 6 for 'resided' read 'reside'
 242 2 5 for 'sentence' read 'sentences'
 245 7 3 after the word 'herein' insert 'before'
 247 L. 7 of the act, ch. 56, after the word 'otherwise' insert 'interested'
 247 11 for 'statement' read 'statements'
 247 Sec. 1 L. 2 of Sec. for 'whenever' read 'wherever'
 248 3 1 for 'whenever' read 'wherever'
 248 3 14 for 'Justice' read 'Justices'

Page.

- 252 L. 3 of p. for 'where' read 'wherein'
 257 5 after the word 'have' insert 'his or'
 265 Sec. 39 L. 3 of Sec. for 'when' read 'where'
 271 L. 1 and 3 of p. for 'affect' read 'effect'
 271 Sec. 6 L. 2 of Sec. before the word 'execution' insert 'the'
 278 19 4 for 'on' read 'in'
 280 L. 2 of p. for 'have' read 'had'
 281 22 for 'of' read 'on'
 283 13 for 'lies' read 'lays'
 283 last before the word 'defendant' insert 'the'
 284 Sec. 32 L. 2 of Sec. for 'a' read 'any'
 288 5 18 for 'whenever' read 'wherever'
 291 9 4 for 'as' read 'or'
 292 L. 4 of p. for 'examinations' read 'examination'
 293 Sec. 13 L. 5 of Sec. after the word 'article' insert 'or articles'
 297 7 5 for 'and' read 'or'
 301 L. 8 of p. for 'he' read 'be'
 309 24 between the words 'the' and 'day' should be a '
 310 20 for 'debt' read 'debtor'
 311 2 for 'with' read 'and of'
 312 7 for 'summon' read 'summons'
 312 9 between the words 'our' and 'Court' should be a '
 318 31 for 'writ' read 'writ a'
 328 Sec. 8 L. 4 of Sec. for 'grieved' read 'aggrieved'
 353 L. 14 of p. at the end of the line insert 'the'
 361 Sec. 1 L. 18 of Sec. for 'cause' read 'case'
 370 3 10 for 'to' read 'of'
 371 2 7 dele 'to'
 373 L. 15 of p. before the word 'require' insert 'to'
 376 Sec. 1 L. 10 of Sec. dele 'the' before the word 'payment'
 378 at the end of the act, for '17' read '20'
 378 in the title, for 'selection' read 'selecting'
 379 Sec. 4 L. 5 of Sec. before the word 'divide' insert 'shall'
 394 1 9 for 'part' read 'parts'
 395 1 8 for 'acceptances' read 'acceptance'
 404 1 34 before the word 'authorized' insert 'hereby'
 407 7 4 dele 'the'
 414 last word of the 1st act on the page, for 'therein' read 'thereon'
 423 Sec. 3 L. 15 of Sec. after the word 'assignments' insert 'thereof, and also of the assignments'
 424 Sec. 6 L. 13 of S. after the word 'papers' insert 'as'
 425 L. 7 of p. before the word 'action' insert 'an'
 428 22 for 'twelve' read 'twenty'
 431 8 for 'fifteen' read 'fifty'
 432 first line of the page should be put after the third
 432 L. 5 of the p. dele 'entering'
 432 between the 28th and 29th lines of the p. insert 'Every blank writ of attachment, with a summons thereon, fifteen cents'
 432 L. 37 of p. for 'judgment' read 'jurymen'
 435 9 for 'appear' read 'appears'
 435 10 for 'make' read 'makes'
 435 18 for 'taking' read 'taxing'
 444 Sec. 1 L. 6 of Sec. before the word 'records' insert 'the'
 445 1 9 for 'within' read 'of'
 445 1 19 after the word 'escape' insert 'sickness'
 455 11 1 after the word 'of' insert 'the'

CHAPTER CIV.

An Act directing before whom all Judicial and Civil Officers shall be qualified, where not otherwise provided for in the Constitution.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the Justices of the Supreme Judicial Court, the Attorney General, Secretary, Treasurer, Adjutant General, and Quarter-Master General, shall take and subscribe the oath or affirmation required by the Constitution before the Governor and Council, when in session, and in their recess before any two members of the Council; and that every other person elected, appointed, or commissioned to any Judicial, Executive or Civil office, under this State, shall take and subscribe the same before any one of the Council, or before any one of the Magistrates commissioned by the Governor for that purpose, excepting in such cases where the Constitution has otherwise provided.

Certain officers to be sworn before Governor and Council, or two of the Council.

Others before any one of the dedimus.

SEC. 2. *Be it further enacted,* That a law passed the thirteenth day of June last, directing before whom all Judicial, Civil and Military Officers shall be qualified, be, and the same is hereby repealed.

Repealing clause.

[Approved February 10, 1821.]

CHAPTER CV.

An Act establishing and regulating the Fees of the several Officers and other persons therein mentioned.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the fees of the several persons hereafter mentioned for the services respectively annexed to their names, shall be as follows, viz.

JUSTICES' FEES.

For every blank writ of attachment and summons thereon, or original summons—*seventeen cents.*

Justices' fees,

For the declaration in each writ of attachment and summons thereon, or original summons triable before a Justice—*forty cents.*

Every subpœna, for one or more witnesses—*ten cents*.

For the entry of an action, or filing a complaint in civil causes, including filing of papers, swearing witnesses, examining, allowing, and taxing the bill of costs and entering up the judgment and recording the same—*sixty one cents*. The trial of an issue—*fifty cents*.

Copy of every original paper or record, if under a page—*ten cents*; if upwards of a page, at the rate of twelve cents per page.

Writ of execution—*twenty five cents*.

A recognisance to prosecute an appeal, including principal and surety—*twenty cents*.

Taking affidavits out of Court to be used in the trial of any cause actually depending—*twenty cents*; for the Justices travel therefor both going out and returning home, at the rate of *fifty cents* for every ten miles; for writing the deposition, caption and notification, at the rate of *twelve cents* per page: and the Justice who shall take any deposition shall certify his own and the deponent's fees and officer's fees and nothing more.

Taking affidavits, in perpetual remembrance of the thing, to each Justice—*twelve cents*; and for his travel and the writing, the same as in the case last mentioned.

Administering an oath to persons appointed to appraise estates, or to appraise and divide real estates, together with certificates of the same—*twenty cents*.

Administering an oath to one or more witnesses at the same time, before referees or arbitrators—*twenty cents*; and for travel for that purpose, the same as in the case of taking affidavits.

Taking the acknowledgement of a deed with one or more seals, provided it be at one and at the same time, and certifying the same—*seventeen cents*.

Granting a warrant, swearing appraisers, relating to strays, and entering the same—*thirty two cents*.

Administering oaths in all other cases with certificates, except oaths to town or parish officers—*twenty cents*.

Receiving a complaint and issuing a warrant in criminal cases—*fifty cents*.

Entering a complaint, in criminal prosecutions, swearing witnesses, rendering judgment and recording the same, examining, allowing, and taxing the costs and filing the papers—*seventy five cents*.

Recognising persons charged with crimes for their appearance at the Circuit Court of Common Pleas, or 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 recognising.

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

Recognisance of debt and recording—*forty two cents*; drawing rule and acknowledging the same—*thirty three cents*.

Writ to remove a nuisance—*thirty three cents*.

CORONERS' FEES.

For serving a writ, summons or execution, and for collecting the monies due thereon, and for travel in returning precepts and inquisitions the same allowance, as is by this Act allowed to Sheriffs for similar services. Coroners' fees.

For a bail bond—*twenty five cents*; every trial where the Sheriff is concerned—*twenty five cents*; and the same for attending the Jury therein.

Granting a warrant and taking an inquisition on a dead body—*one dollar*; if more than one at the same time, and who came to their death by the same means—*twenty cents* for each one after the first.

Travel and expense for taking an inquisition—*one dollar* a day to each of the jurymen, for their travel, if above four miles out, *three cents* a mile each way; and for their services, *seventy five cents* per day, including time and expenses; the Constable for his attendance and expenses in summoning a Jury, *ninety cents* a day. And all the aforesaid charges of the inquisition shall be paid out of the county Treasury.

FEES OF JUDGES OF PROBATE.

For granting administration, where there is no litigation, *fifty cents*; and in other cases—*one dollar*. Judge of Probate's fees.

Appointing or allowing guardians to minors—*forty cents*, in each case, except in cases where one guardian is appointed for more than one minor, when the Judge shall be entitled to *five cents* each, for all more than one minor.

REGULATION OF FEES.

A decree respecting the probate of a will or codicil, where the same is not contested—*fifty cents*; and in all other cases—*one dollar*.

Examining and allowing an inventory, swearing the executor or executors, administrator or administrators—*twenty cents*.

Swearing appraisers of an estate—*fifteen cents*.

Examining and allowing accounts not exceeding two pages—*forty cents*; and for all above two pages, at the rate of *fifteen cents* each page.

A decree for settling an intestate estate—*forty cents*.

A citation—*fifteen cents*.

A summons for one or more witnesses—*ten cents*.

A quietus—*twenty cents*.

A warrant to appraise or divide estates—*thirty cents*.

Issuing a commission to receive and examine the claims of creditors when an estate is represented insolvent—*twenty cents*.

An order of distribution—*twenty cents*.

Granting an appeal to the Supreme Court—*twenty cents*.

REGISTER OF PROBATE'S FEES.

For writing a bond and letter of administration—*forty cents*.

Writing a bond and letter of guardianship and making record thereof for one minor—*sixty cents*; and if for more than one minor for whom the same guardian is appointed at the same time, *ten cents* for each minor more than one.

Drawing a decree respecting the probate of a will or codicil—*forty cents*.

Writing a bond for the executor—*twenty cents*.

Writing a warrant to appraise the estate of a person deceased—*twenty cents*.

A warrant to divide an intestate estate among the heirs, writing a warrant to set off a widow's dower, or a warrant to receive and examine the claims on an insolvent estate—*twenty cents*.

Entering the account of an executor, administrator or guardian and an allowance thereof, or for entering on an inventory the oath of an executor or administrator—*fifteen cents*.

Drawing up a decree on the settlement or partition of an estate—*twenty cents*.

A quietus—*twenty cents*.

For drawing an order of distribution—*twenty cents*.

A citation—*fifteen cents*.

A summons for a witness or witnesses—*ten cents*.

Proportioning an insolvent estate among the creditors thereto, at the rate of *fifteen cents* for every twelve creditors, every creditor's proportion being distinguished.

Recording any matter, at the rate of *twelve cents* each page and the same for a copy of any paper.

A bond of appeal *twenty cents*; and no fee shall be demanded by the Register of Probate for taking from the files in his office, or transporting to the place of the sitting of the Probate Court, such papers as are necessary in the settlement of any estate or account in the said Court.

In the Circuit Court of Common Pleas.

JUSTICES' FEES.

For the entry of an action, including the taxing of the bill of costs—*eighty cents*.

Fees of the
Justices of the
Circuit Court
of Common
Pleas.

And in every action where an issue in law or fact is joined, one dollar, in addition to the fee for entry: *Provided however*, That in every action pending in any Circuit Court of Common Pleas, within this State which shall be defaulted, without being submitted to a Jury or the writ read to them after an issue in fact be joined, the Justices of the said Court, the Clerk thereof, or the Attorney in such action shall receive or tax no other or greater fees, than they severally would have been entitled to receive and tax, had no such issue been joined.

Granting an appeal and taking a recognisance of the principal and surety or sureties—*twenty cents*.

Proving a deed—*twenty cents*.

Surrender of a principal into Court by his bail—*twenty cents*.

Granting a writ of protection—*twenty five cents*.

Entering a petition and making an order thereon for the sale or partition of real estate or for the location of public lots—*seventy cents*.

Accepting partition of real estate, or location on public lots—*forty cents*.

Fees of the
Clerk of C. C.
C. Pleas.

FEES OF THE CLERK OF THE CIRCUIT COURT OF COMMON PLEAS.

Accepting a report of referees, where the acceptance thereof is contested, *sixty cents* ; otherwise—*thirty cents*.

For the entry of every action, entering up and recording the judgment whether on a verdict, demurrer entering non-suit or default—*one dollar and twenty cents*, of which sum the Clerk shall pay into the Treasury of his county *forty cents*, on or before the first day of January annually.

Acknowledging satisfaction of a judgment on the record—*eight cents*.

Entering an appeal, and recognising principal and sureties—*fifteen cents*.

Copies *twelve cents* a page. And in all actions appealed, the original depositions and other papers except the writ and officer's return thereon shall, after being certified by the Justice or Clerk, be carried up without leaving copies in the Court below. Continuing each cause to the next term—*twelve cents*.

Entering the surrender of a principal into Court, and making a record thereof—*fifteen cents*.

For entering a petition and order thereon for the partition or sale of real estate or location of public lots—*twenty cents* ; and for recording such petition and order 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*.

Every blank writ of scire facias or original summons—*fifteen cents*.

An original or alias writ of execution in personal matters, and filing the same when returned—*twenty five cents*.

A writ of possession in real actions—*forty cents*.

A writ of protection or habeas corpus—*twenty five cents*.

A subpoena for one or more witnesses—*ten cents*.

A duces tecum—*twenty five cents*.

Each venire facias, for judgment to be paid out of the county Treasury—*five cents*.

Opening and filing a deposition—*eight cents*.

Entering an indictment, presentment, complaint or infor-

mation, including the recording of the judgment of the Court therein, examining and casting the bill of costs and filing the papers—*sixty five cents.*

Discharging a recognisance—*ten cents.*

Each warrant for a criminal—*twenty cents.*

Examining and casting the Grand Jurors account yearly, and order thereon—*thirty cents.*

FEES OF THE CLERK OF THE COURT OF SESSIONS.

Each recognisance for an inn holder or retailer including principal and sureties and for transmitting the name of the licenced person to the Selectmen, and recording the licence—*fifteen cents.* Fees of the Clerk of Court of Sessions.

A warrant for county tax—*twenty cents.*

Warrant to lay out or alter a road—*twenty cents.*

Examining any account—*eight cents.*

Recording the reports of highways and other matters by order of the Court—*twelve cents* a page.

Copies of all papers or records—*twelve cents* a page.

Keeping an account of the attendance of the Justices of the Court of Sessions, each term, to be paid out of the county Treasury—*seventy five cents.*

For the entry of a petition—*fifty cents.*

IN THE SUPREME JUDICIAL COURT, JUSTICES' FEES.

Entering an action or complaint, including the taxing of a bill of cost—*two dollars and twenty cents.* Fees in S. J. Court. Justices' fees.

Allowing a writ of error, granting certiorari, habeas corpus, or other writ, on motion—*forty cents.*

Granting a writ of protection—*thirty cents.*

Proving a deed—*twenty cents.*

Entering a petition, and making order thereon for the sale or partition of real estate—*one dollar.*

Accepting a partition of real estate—*forty cents.*

The foregoing fees shall be received by the Clerk, and by him paid to the Treasurer of the State annually on or before the first day of January.

FEES OF THE CLERK IN THE SUPREME JUDICIAL COURT.

For the entry of an action or complaint, entering up and recording the judgment, whether on a verdict, demurrer, Fees of Clerk of S. J. Court.

nonsuit, default, or state of facts—*one dollar and fifty five cents.*

A writ of review—*seventy cents.*

A writ of scire facias—*forty cents.*

An original writ of execution, including the taxing of the costs, and filing of the papers—*sixty five cents.*

An original writ of habere facias possessionem, including the taxing of the costs, and filing of the papers—*eighty cents.*

An alias writ of execution—*thirty five cents.*

An alias writ of facias habere possessionem—*fifty cents.*

A writ of habeas corpus—*forty cents.*

Copies of all papers containing less than one page—*ten cents each*; of all papers containing more than a page, at the rate of *twelve cents* a page.

Entering a rule of Court—*fifteen cents.*

Acknowledging satisfaction of a judgment, on record, *twelve cents.*

Continuing each cause and entering the same next term—*twenty cents.*

Proving a deed in Court and certifying the same—*twenty cents.*

For each venire facias for Jurymen to be paid out of the county Treasuries respectively, on the Justices' certificate—*six cents.*

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

Every subpoena, for one or more witnesses—*ten cents.*

Each recognisance including principal and sureties—*twenty cents.*

Recording judgment in every criminal cause—*forty cents.*

A writ of protection—*twenty cents.*

Entering a discharge of a recognisance by proclamation, *fifteen cents.*

For opening and filing a deposition—*ten cents.*

ALLOWANCE TO PARTIES AND WITNESSES.

Allowance to
Parties and
Witnesses.

To parties recovering costs for an Attorney in all causes where an issue in law or fact is joined in the Supreme Judicial Court—*two dollars and fifty cents.*

And in all causes in the Circuit Court of Common Pleas where an issue in law or fact is joined—*one dollar and fifty cents.*

For the declaration in each writ—*fifty cents*.

For parties recovering costs, whether in the Supreme Judicial Court, Circuit Court of Common Pleas, Court of Sessions or before a Justice of the Peace—*thirty three cents* for each day's attendance, and travel ten miles to be accounted as one day.

Power of Attorney—*fifty cents*, and no plaintiff shall be allowed for more than three day's attendance when the defendant is defaulted, unless the defendant appear in Court and make answer to the plaintiff's suit; in which case if the defendant is defaulted after the expiration of three days, no attendance shall be taxed for the plaintiff, after the day when the default shall happen: *Provided nevertheless*, That when the party recovering costs in any Court shall live more than forty miles from the place of holding such Court, and such party shall not actually travel to attend the same Court, in such cause, there shall not be allowed for travel in taking the bill of costs, more than forty miles distance, unless such party shall employ some agent or attorney, who shall in fact travel more than forty miles for the special purpose of attending such Court in such cause.

In a criminal cause, where one or more defendants are tried by the Jury at the same time in the Supreme Judicial Court, or where the cause is determined by an issue in law, for the Attorney General, or person attending for the State, *two dollars and fifty cents*; and if there be no trial by the Jury, and the cause be not determined by an issue in law—*one dollar and twenty five cents*; and in all causes in the Circuit Court of Common Pleas—*one dollar and twenty five cents*. Drawing an indictment in the Supreme Judicial Court—*one dollar and twenty five cents*; and in the Circuit Court of Common Pleas—*sixty five cents*. But no fees for travel shall be allowed and taxed in any bill of costs in any suit in which the State shall be party.

Witnesses in civil or criminal causes, whether in the Supreme Judicial Court, Circuit Court of Common Pleas or Court of Sessions, *one dollar* for each days attendance, and *four cents* for each mile's travel going out and returning home: and before a Justice of the Peace, referees or arbitrators, *thirty three cents* per day, and for their travel the

same as at other Courts : *Provided* Such witnesses do personally attend said Courts respectively and certify in writing their attendance and travel.

SHERIFFS', CONSTABLES', AND CRIERS' FEES.

Sheriffs', Con-
stables' and
Criers' fees.

For the service of an original summons or scire facias, either by reading the same, or by copy on one defendant, *thirty cents* ; if on more than one defendant then for each other defendant so served—*thirty cents*.

For the service of a capias or attachment on one defendant with summons, *thirty cents* ; if served on more than one defendant then *thirty cents* for each defendant so served. And if the officer, by the written direction of the plaintiff or plaintiffs, his or their agent or attorney shall make a special service of any such writ, either by attaching property, or taking the body therefor, for such special service on each defendant on whom such writ shall be so served, the Sheriff shall be allowed *fifty cents*. And where the officer is by law directed to leave a copy in order to complete the service or shall give a copy of any precept upon demand thereof, he may charge at the rate of *twelve cents* a page.

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 shall prevail—*twenty cents*.

Serving a writ of possession exclusive of fees for collecting on the costs, *one dollar and ten cents* ; if on more than one piece of land *seventy five cents* for each piece of land after the first.

The fees for collecting the costs on a writ of possession the same as on executions in personal actions.

Serving a warrant—*thirty cents*.

Sheriff's aid in criminal cases to each person for every twelve hours attendance including expenses, *one dollar*, and so in proportion for a greater or less time ; and *four cents* for each mile's travel going out and returning home.

Summoning witnesses in criminal cases, *ten cents* for each witness, and travel as in civil causes, unless in special cases, when the Court may increase the fees to what they may judge reasonable.

For the Sheriff's or Constable's attending the Court, and keeping the prisoner in criminal cases, *seventy five cents* for

every twelve hours; and so in proportion for a greater or less time.

Levying executions in personal actions for the first one hundred dollars, *four cents*; for every dollar above that, and not exceeding two hundred dollars, *two cents* for every dollar; and for all above two hundred dollars, *one cent* for every dollar; travel for the services of such execution, and also of mesne process or warrant to him directed, *four cents* a mile, the travel to be computed from the place of service to the Court or place of return by the usual way; only one travel shall be allowed for one writ, execution or warrant, and if the same be served on more than one person, then the travel shall be computed from that place of service which may be most remote from the place of return, with all further necessary travel in serving such execution writ or warrant: but if the travel from the place of service to the place of return be more than fifty miles then only one cent a mile shall be allowed for all travel exceeding that distance. The travelling fees and fees of service shall be endorsed by the officer serving the same, otherwise they shall not be allowed.

Serving an execution upon a judgment of Court for partition of real estate, or assigning of dower, *one dollar* a day, and *four cents* a mile, out from the place of his abode. And no Sheriff shall demand or receive from any of his deputies more than at the rate of *twenty five per cent.* on the amount of fees for travel and service.

For returning the certificates of votes of the several towns for a Governor and Senators to the Secretary's office, *eight cents* a mile computing from the place of his abode to the Secretary's office, to be paid out of the Treasury of the State; and but one travel shall be allowed for the whole.

To the officer attending the Grand Jury, for each days attendance, *seventy five cents.*

The officer attending the Traverse Jury for every cause to be paid with the Jury fees—*twenty five cents.*

For dispersing venires for Jurymen, Treasurer's warrants and proclamations of all kinds—*eight cents* each.

To each appraiser of real estate for extending execution

REGULATION OF FEES.

or assigning dower, *one dollar* a day, and travel at the rate of *four cents* a mile going out and returning home.

For every deputy Sheriff or Constable who shall attend the Supreme Judicial Court or Court of Sessions, or Circuit Court of Common Pleas by their order, *one dollar and fifty cents* a day, to be paid out of the county Treasury.

To the Sheriff for each days attendance in the Supreme Judicial Court or Circuit Court of Common Pleas, *five dollars*; and *two dollars* per day for attending the Court of Sessions, and at the rate of *two dollars* for every ten miles travel from his place of residence to the Court.

TO THE CRIER.

Crier.

Three dollars per day, to be paid out of the county Treasury: *Provided*, The Crier shall not have any allowance for attending the Court of Sessions.

TO CONSTABLES.

Constable.

For the service of venires, *twenty five cents*, and *four cents* a mile for travel to the Clerk's office, to be paid out of the county Treasury.

GAOLER'S FEES.

Gaoler's fees.

Turning the key for each prisoner, committed or discharged—*twenty cents*.

Dieting each prisoner, such sum weekly as the Court of Sessions shall, from time to time, judge reasonable.

FOR MARRIAGES.

Town Clerk.

To the Town Clerk for publishing the bands of Matrimony, recording the same, giving a certificate of the publication, and recording the marriage upon receiving the Justices' or Ministers' certificate thereof—*fifty cents*; to be paid by the man published, on receiving a certificate of the publication.

To every Minister or Justice of the Peace who shall lawfully solemnize a marriage and certify the same—*one dollar and twenty five cents*.

To the town Clerk for recording births and deaths—*eight cents* each. For a certificate of a birth or death—*ten cents*.

FEES IN THE SECRETARY'S OFFICE.

Secretary of State.

For a certificate under the seal of the State, for the benefit of particular persons—*one dollar*.

For all copies for the benefit of particular persons, at the rate of *twelve cents* a page.

And it is to be understood that a page, as mentioned in this Act should contain two hundred and twenty four words.

COUNTY REGISTER'S FEES.

For entering and recording a deed or other paper of the length of one page or under, *twelve cents*. Register of Deeds fees.

And for certifying on the original the time when, and the book and page where the same may be recorded—*five cents*.

If the instrument recorded exceed the length of a page, at the rate of *fourteen cents* a page.

The fees to be paid at the offering of the instrument.

For all copies at the rate of *fourteen cents* a page.

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

ALLOWANCE TO JURORS.

SEC. 2. *Be it further enacted*, That the Grand Jurors attending at the Supreme Judicial Court and Circuit Court of Common Pleas, and the Jurors for trials attending either of said Courts, shall each be allowed, *one dollar and twenty five cents* a day for their attendance, and *six cents* a mile for their travel out and home, to be paid out of the county Treasury; and there shall be paid to the Clerk of the Supreme Judicial Court, and to the Clerk of the Circuit Court of Common Pleas, respectively, by the Plaintiff, or appellant, the sum of *seven dollars* for the trial of each civil action, for the use of the county; and the said Clerks respectively shall forthwith pay over the same to the county Treasurer. Allowance to Jurors.

SEC. 3. *Be it further enacted*, That the Clerks of the several Courts and other persons keeping public offices shall constantly have a list of the fees by this Act prescribed so far as it relates to them respectively, printed or wrote out in legible characters and hung in some convenient and conspicuous place in their respective offices. And the Register of Probate shall put and keep up in some conspicuous part of the room, a list of fees for Judge and Register, in every other place besides his office as aforesaid where a probate Court may be holden, during the holding of the said Court in such place. Clerks of Court to have list of fees hung up in their offices.
Register of Probate to keep list of his fees in his office.

Officers, if required, must give an account in writing of fees by them received.

SEC. 4. *Be it further enacted*, That every officer or other person upon receiving any such fees as are stated in this Act shall, if required by the person paying the same, make out a particular account of such fees, in writing, specifying for what they accrued upon pain of forfeiting to the party paying such fees, treble the sum by him or them so paid, to be recovered with costs by an action of debt, in any Court proper to try the same.

Penalty for wilfully and corruptly demanding and receiving unlawful fees or for witnesses falsely certifying, &c.

SEC. 5. *Be it further enacted*, That if any person shall wilfully and corruptly demand and receive any greater fee or fees for any of the services aforesaid, than are by this Act allowed and provided, or if any witness shall falsely, wilfully and corruptly certify that he has travelled a greater number of miles, or attended a greater number of days than he has actually travelled or attended, he shall forfeit and pay, not less than five dollars, nor more than thirty dollars for every offence, to be recovered with costs, either by presentment in the Supreme Judicial Court or Circuit Court of Common Pleas, in which case the forfeiture shall accrue to the State; or by action of debt in any Court of competent jurisdiction; in which case the forfeiture shall be for the use of any person who may sue for the same: But no such presentment or action shall be sustained, unless made or commenced within one year next after the time when the offence may be committed, and all persons who are or shall be entitled by any law or resolve, to an annual salary, and who also receive fees of office, for which they are required to be accountable, shall render to the Treasurer a quarterly account under oath of all fees of office by them received, which oath the Treasurer is hereby authorized to administer. And no person shall be permitted to receive his quarterly salary from the Treasury, until such account of the fees of office has been rendered: *Provided however*, That this Act shall not be considered as extending to the Justices of the Supreme Judicial Court.

Mode of recovery.

Limitation. Certain officers to render quarterly account of fees to Treasurer.

Salary of such officer not to be paid till such account is rendered.

Former compensation, in certain cases continued.

SEC. 6. *Be it further enacted*, That all officers and persons, entitled to fees under any Act in force in this State, who are not particularly provided for in this Act, shall be entitled to, and receive for their services the same compensation, which they have heretofore received for like services,

under the laws which were in force prior to the first day of March instant: *Provided*, That the Inspector General of butter and of lard shall not demand or receive from any of his or their deputies more than at the rate of twenty five per cent. on the amount of fees prescribed for the several services and duties, by them respectively performed; *And further provided*, That this Act shall not take effect, till after the last day of May next.

[Approved March 20, 1821.]

CHAPTER CVI.

An Act establishing the salary of certain Officers.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the sum of fifteen hundred dollars shall be allowed and paid to the Governor annually out of the Treasury of this State; that the sum of eighteen hundred dollars shall be allowed and paid to the Chief Justice of the Supreme Judicial Court, and the sum of fifteen hundred dollars to each of the other Justices of said Court; that the sum of eight hundred dollars shall be allowed and paid to the Attorney General; and to the Treasurer, the sum of nine hundred dollars; to the Secretary of State and the Adjutant General, each, the sum of seven hundred dollars; which said sums shall be paid to said officers respectively, in quarterly payments.

SEC. 2. *Be it further enacted*, That the Attorney General and the Secretary of State shall annually account with the Treasurer of this State for all fees which they shall receive in their respective offices.

[Approved June 19, 1820.]

CHAPTER CVII.

An Act establishing the Salaries of the Judges of Probate.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That from and after the pass-
Salaries of
Judges of Pro-
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