

MAINE STATE LEGISLATURE

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REPORT

OF THE

COMMISSIONERS

APPOINTED TO REVISE THE

PUBLIC LAWS

OF THE

STATE OF MAINE.

TITLE XI.

Augusta:

WM. R. SMITH & Co., PRINTERS TO THE STATE.

1840.

TITLE ELEVENTH.

OF DUTIES PAYABLE BY CERTAIN PUBLIC OFFICERS, THEIR COMPENSATION, AND OF COSTS IN CIVIL AND CRIMINAL CASES, AND THE COLLECTION AND DISPOSAL OF FINES AND COSTS.

- Chap.* 149. Of the duties payable by public officers.
150. Of the salaries of public officers, and the expenses of the members of
the State government.
151. Of the regulation of fees and of costs in certain cases.
152. Of the taxation of costs and the collection and disposal of fines, and
costs in criminal prosecutions.
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CHAPTER 149.

OF THE DUTIES PAYABLE BY PUBLIC OFFICERS.

- Sect.* 1. Duties on commissions to be paid to State or county treasurers.
2. County treasurer to account for duties received by him.
3. Duty payable by attorneys at law.
4. And by inspectors of fish.
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- SECT. 1. No person appointed to either of the offices speci-
fied in this section, shall be entitled to receive his commission,
until he shall have paid to the treasurer, either of the State or
of his county, the sum hereby designated to be paid for such
commission, that is to say,
Sheriffs of the counties of York, Cumberland, Lincoln and
Kennebec, respectively fifty dollars, and of all other counties
twenty-five dollars each.
Clerks of the judicial courts for the counties of York, Cumber-
land, Lincoln and Kennebec, forty dollars, and for other counties
twenty-five dollars each.
County attornies, five dollars each.
Judges of probate, seven dollars each.
Registers of probate, ten dollars each.
Inspectors general, excepting inspectors of hops, twenty dollars
each.

17 Justices of the peace, five dollars each.

1820, 102, § 2. 1821, 103, 1. 1826, 332, § 1. 1829, 417, § 1.

SECT. 2. Every county treasurer, whenever he shall render
2 his accounts to the State, shall specify all sums received by him
3 for duties under the foregoing section, together with the name
4 of the individual and office, for which the same was paid.

1821, 102, § 3.

SECT. 3. No person shall be admitted as an attorney in any
2 district court, until he shall have paid to the treasurer of the
3 county where he is admitted, the sum of twenty dollars, and
4 shall produce his receipt therefor, to the court. 1823, 192, § 1.

SECT. 4. Every inspector of fish shall, on being qualified for
2 such office, pay to the treasurer of the town or plantation in
3 which he shall reside, five dollars; and every such treasurer
4 shall pay over all monies so received to the treasurer of the
5 State, on or before the twentieth day of January annually.

1821, 150, § 18.

CHAPTER 150.

OF THE SALARIES OF PUBLIC OFFICERS, AND EXPENSES OF THE MEMBERS OF THE STATE GOVERNMENT.

- Sect.* 1. Salaries to be paid by the State and county treasurers respectively.
2. Other emoluments of certain of the same officers.
3. Amount of fees to be retained by clerks of courts.
4. Amount to be retained by sheriff.
5. Compensation of councillors, members and clerk of the Legislature.
6. Inability or neglect of register of probate to be certified by the judge to the county treasurer.
7. Register pro tem. to receive a proportional part of salary.
8. Incidental expenses of the probate office how defrayed.
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- SECT. 1. The following public officers shall be entitled to
2 receive salaries, in quarterly payments on the first day of Janu-
3 ary, April, July and October of each year, at the following
4 annual rates, that is to say, from the treasury of the State.
5 Governor, fifteen hundred dollars.
6 Treasurer of the State, nine hundred dollars.
7 Secretary of state, nine hundred dollars.
8 Adjutant general, seven hundred dollars.
9 Land agent, one thousand dollars.
10 Surveyor general, one thousand dollars.
11 Warden of the state prison, seven hundred dollars.
12 Judges of the supreme judicial court, each eighteen hundred
13 dollars.
14 Judges of the district courts, each twelve hundred dollars.
15 Attorney general, one thousand dollars.

16 Reporter of the decisions of the supreme judicial court, six
17 hundred dollars.

1820, 106, § 1. 1824, 274, § 1. 1836, 244, § 1. 1824, 282,
§ 23. 1836, 236, § 1. 1835, 192, § 1. 1839, Feb. 25, 10.
1822, 205.

18 County attorneys in the respective counties of

19 York, three hundred dollars—

20 Cumberland, five hundred dollars—

21 Lincoln, three hundred and fifty dollars—

22 Oxford, two hundred dollars—

23 Kennebec, four hundred dollars—

24 Somerset, two hundred and seventy-five dollars—

25 Penobscot, six hundred dollars—

26 Hancock, two hundred dollars—

27 Washington, two hundred and fifty dollars—

28 Waldo, two hundred dollars—

29 Franklin, one hundred dollars—

30 Piscataquis, one hundred dollars—

31 Aroostook, one hundred dollars. 1839, March 22, § 1.

32 Registers of probate—in the county of

33 York, six hundred dollars—

34 Cumberland, eleven hundred dollars—

35 Lincoln, five hundred dollars—

36 Kennebec, five hundred dollars—

37 Hancock, three hundred and fifty dollars—

38 Washington, south district, four hundred and fifty dollars—

39 Washington, north district, sixty dollars—

40 Oxford, three hundred and fifty dollars—

41 Somerset, three hundred dollars—

42 Penobscot, seven hundred and fifty dollars—

43 Waldo, three hundred dollars—

44 Franklin, one hundred and fifty dollars—

45 Piscataquis, one hundred and twenty-five dollars—

46 Aroostook,

1826, 343, § 1. 1831, 93, § 1. 1828, 395, § 1. 1837, 255,
§ 1. 1835, 159, § 2. 1836, 224, § 1. 1837, 254, § 1.
1834, 120, § 1. 1839, March 12, 14.

47 Judge of the municipal court in Portland, in the county of
48 Cumberland, seven hundred dollars.

49 Recorder of the same court, four hundred dollars.

50 Judge of the police court of the city of Bangor, seven hundred
51 dollars.

1835, 186, § 2, 1. 1835, 167. 1839, March 23.

SECT. 2. The foregoing salaries shall be in full of all fees and
2 emoluments, pertaining to such offices, excepting as follows:—

3 *First*—The secretary of State, shall be entitled to retain such
4 fees, as may be received in his office for special services.

1837, 302, § 1.

5 *Second*—The warden of the State prison, shall have the exclu-
6 sive use and occupation of such part of the keeper's house and

7 the lands and buildings in Thomaston, belonging to the State,
 8 appurtenant to said prison and yard, as the governor and council
 9 may direct, and the free use of store rooms and fuel for his use,
 10 which shall be furnished by the prison without charge.

1824, 282, § 23.

11 *Third*—The reporter of the decisions of the supreme judicial
 12 court, may retain to his own use, the profits arising from the
 13 publication of his reports. 1821, 54, § 10.

14 *Fourth*—The register of probate shall be entitled to fees for
 15 all copies of papers by him furnished by request, excepting one
 16 copy of each of the following papers, to be furnished by him,
 17 when demanded, to executors, administrators, guardians, trustees,
 18 widows, heirs or other parties, principally interested, to wit : all
 19 wills proved, inventories returned and accounts settled, partitions
 20 of real estate and assignments of dower and all other orders and
 21 decrees of the court of probate.

1826, 343, § 3.

22 *Fifth*—County attorneys may receive from their respective
 23 county treasuries, three dollars a day for attendance and ten
 24 cents a mile for travel before juries and committees appointed
 25 to estimate damages for laying out highways.

SECT. 3. The clerks of the judicial courts, when they render
 2 to the treasurers of their respective counties their account of
 3 fees received by them, as provided in the — section of chap-
 4 ter — may severally retain one thousand dollars, if they shall
 5 have received so much, to their own use and in addition one half
 6 of all the fees of office by them respectively received over that
 7 sum. 1820, 90, § 2.

SECT. 4. The sheriffs, when they render to the treasurer of
 2 their respective counties, their accounts of monies by them
 3 received of their deputies, as provided in section fifty-eight of
 4 chapter one hundred and four may severally retain to their own
 5 use as follows :—The sheriff of York, Cumberland, Lincoln and
 6 Kennebec, seven hundred dollars each ; the sheriff of Penob-
 7 scot, six hundred dollars ; the sheriffs of Oxford and Somerset,
 8 five hundred dollars each ; the sheriffs of Hancock, Washing-
 9 ton and Waldo, four hundred dollars each ; and the sheriffs of
 10 Franklin, Piscataquis and Aroostook dollars each.

1829, 445, § 5. 1839, March 22.

SECT. 5. Each member of the council, senate and house of
 2 representatives, shall be allowed and paid for his services, two dol-
 3 lars for every day he shall have attended, and two dollars for every
 4 ten miles travel from and to his place of abode, at each session.
 5 The president of the senate and speaker of the house of repre-
 6 sentatives, in addition to their pay as members, shall each be
 7 entitled to two dollars for every day's attendance. To the secre-
 8 tary of the senate and clerk of the house of representatives there
 9 shall be allowed and paid three dollars and fifty cents each and
 10 to their respective assistants two dollars each for every day they

11 may be employed as such. Pay rolls shall be made up in con-
12 formity to these provisions and paid out of the treasury of the
13 State. 1823, 216. 1824, 273, § 1.

SECT. 6. Whenever the register of probate shall be unable
2 from sickness, or shall from any other cause neglect to do the
3 duties of his office, the judge of probate for the same county
4 shall certify to the county treasurer the fact of such inability or
5 neglect and the time of its commencement and termination, and
6 what person has performed the duties of register in the mean
7 time. 1830, 483, § 1.

SECT. 7. The county treasurer shall not pay to the said regis-
2 ter any portion of the salary that may accrue from the time when
3 it thus appears he ceased to perform his duties, but the same
4 shall be paid to the person certified, as aforesaid, to have per-
5 formed said duties, until the register shall resume the same or a
6 new register shall be appointed. 1820, 483, § 1.

SECT. 8. Each county shall provide all books necessary for
2 keeping the records in the registry of probate and all necessary
3 printed blanks; but all other stationery and all the incidental
4 expenses of the office shall be considered as provided for by the
5 salaries of the judge and register. 1826, 343, § 3.

CHAPTER 151.

OF THE REGULATION OF FEES AND OF COSTS IN CERTAIN CASES.

- Sect.*
1. Fees of justices of the peace.
 2. And of judges of municipal and police courts.
 3. Fees of the clerks of the judicial courts.
 4. Fees of sheriffs and their deputies.
 5. Fees of coroners for similar services.
 6. Costs of inquests on dead bodies.
 7. Fees of constables.
 8. Jailers.
 9. County commissioners, and
 10. Jurors.
 11. Clerk to receive seven dollars on jury trials for county treasury.
 12. Fees of witnesses.
 13. Allowance to parties and attorneys, in civil causes.
 14. Costs taxable for the State in criminal prosecutions.
 15. Fees in courts martial.
 16. Probate fees.
 17. Of secretary of State.
 18. Register of deeds.
 19. And for solemnization of marriages.
 20. Town clerk's fees.
 21. Fees of inspectors, weighers, measurers and surveyors.
 22. Inspectors may require accounts of services of their deputies under oath.
 23. What constitutes a page. Fees for copying and annexing certificates in general cases.

Sect. 24. Original papers to be carried up on appeals.

25. Of fees not expressly provided for.

26. Fee table to be posted up in offices.

PENAL PROVISIONS.

27. For not furnishing an account of fees by public officers.

28. For overcharging costs on justice writs.

29. For overcharging fees in other cases.

The fees chargeable by public officers for the services hereinafter mentioned and the costs taxable in civil suits and criminal prosecutions shall be as provided in this chapter.

Fees of justices of the peace.

SECT. 1. For every blank writ of attachment and summons thereon, or original summons, seventeen cents.

3 For the declaration in each writ on original summons forty cents. 1821, 105, § 1.

5 For every subpœna for one or more witnesses, ten cents.

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

10 For the trial of an issue, eighty cents;

11 For a copy of a record or other paper at the rate of twelve cents a page;

13 For a writ of execution, fifty cents;

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

16 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 notifications to the parties and witnesses, at the rate of twelve cents a page; the justice who shall take such affidavit, deposition or disclosure, shall certify the fees of himself, the witness or party disclosing, and of the officer serving the notifications;

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

25 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;

28 Taking the acknowledgment of a deed with one or more seals, provided it be done at one and the same time and certifying the same, seventeen cents;

32 Granting a warrant of appraisement in any case and swearing appraisers, thirty-two cents;

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

36 For entering a complaint in a criminal prosecution, swearing witnesses, rendering judgment and recording the same, exam-

38 ining, allowing and taxing the costs and filing the papers,
39 seventy-five cents.

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

44 For a mittimus for the commitment of any person on a crimi-
45 nal accusation, twenty-five cents.

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

48 Recognizance of debt and recording, forty-two cents.

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

51 Writ to remove a nuisance, thirty-three cents.

52 Calling a meeting of any corporation, fifty cents.

53 For an examination of a debtor under the laws for the relief of
54 poor debtors, fifty cents; for interrogatories proposed by the
55 creditor or his attorney and answers, to be paid by the creditor,
56 twelve cents a page. 1825, 195, § 16.

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

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

SECT. 2. Except when otherwise expressly provided, the fees
2 of the judge of any municipal or police court, whether in civil
3 or criminal proceedings, shall be taxed in the same manner and
4 at the same rate as the fees of justices of the peace, so far as
5 applicable.

6 Whenever any such judge shall receive a stated salary for his
7 services, he shall account under oath to the treasurer of the
8 county for all fees accruing to him in said capacity, towards his
9 salary, and if such fees exceed the amount of his salary for any
10 such quarter, the excess, shall, be by him paid over to such
11 treasurer. 1825, 294, § 4.

SECT. 3 Fees of the clerks of the judicial courts.

2 *First*, for services as clerks of the district courts.

3 For every blank writ of attachment with a summons or of scire
4 facias, or an original summons, eight cents. 1821, 105, § 1.

5 For the entry of every action, entering up and recording the
6 judgment, whether on a verdict, demurrer, non-suit or default,
7 sixty cents. 1835, 182, § 2.

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

10 Entering an appeal and recognizing principal and sureties,
11 fifteen cents.

12 For copies, twelve cents a page.

13 For continuing each cause to the next term, twelve cents.

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

- 16 For recording a petition for partition and any order thereon, at
17 the rate of twelve cents a page.
18 Entry of a rule of court upon the parties submitting a cause
19 to referees, fifteen cents.
20 Proving a deed in court, and certifying the same, twenty cents.
21 Authenticating the official signature of a magistrate twenty-
22 five cents.
23 For an original or other writ of execution in personal matters
24 and filing the same when returned, fifteen cents.
25 A writ of possession in real actions, twenty-five cents.
26 A writ of protection or habeas corpus, twenty-five cents.
27 A subpoena for one or more witnesses, ten cents; a subpoena
28 duces tecum, twenty-five cents.
29 For each venire facias for jurymen, five cents, to be paid out
30 of the county treasury.
31 Opening and filing a deposition, eight cents.
32 Entering an indictment, presentment, complaint or information,
33 including the recording of the judgment of the court thereon,
34 examining and casting the bill of costs and filing the papers,
35 sixty-five cents.
36 Discharging a recognizance, ten cents.
37 Each warrant for a criminal, twenty cents; and
38 Examining and casting the grand jurors' accounts and order
39 thereon, thirty cents.
40 *Second*, for services of clerks of the supreme judicial courts.
41 The fees to be taxed by the clerk in all actions originally
42 entered in this court, and also for other services not hereinafter
43 otherwise stated, shall be the same, as is or may be allowed to
44 him, as clerk of the district court, but in actions not originally
45 commenced in the supreme judicial court and for the services
46 enumerated below, his fees shall be as follows, 1835, 182, § 1.
47 For the entry of an action or complaint, entering up and record-
48 ing the judgment, whether on a verdict, demurrer, non-suit,
49 default or statement of facts, one dollar and fifty-five cents.
1821, 105, § 1.
50 A writ of review, seventy-five cents.
51 A writ of scire facias, forty cents.
52 An original writ of execution in a personal action including
53 the taxing of the costs and filing of the papers, sixty-five
54 cents.
55 An alias execution in personal actions, thirty-five cents.
56 An original writ of possession, including the taxing of the
57 costs and filing of the papers, eighty cents.
58 An alias writ of possession, fifty cents.
59 A writ of habeas corpus, forty cents.
60 Acknowledging satisfaction of a judgment or record, twelve
61 cents.
62 For continuing each cause to the next term, twenty cents.
63 For each venire facias for jurymen, six cents to be paid out of
64 the county treasury.

- 65 Every writ and seal other than before mentioned, forty cents.
- 66 Each recognizance, including principal and sureties, twenty
- 67 cents.
- 68 Recording judgment in every criminal cause, forty cents.
- 69 Entering a discharge of a recognizance by proclamation, fifteen
- 70 cents : and
- 71 The opening and filing a deposition, ten cents.
- 72 *Third*, for services as clerks of the county commissioners.
- 73 For a warrant for a county tax, twenty cents.
- 74 A warrant to lay out or alter a road, twenty cents.
- 75 Examining any account, eight cents.
- 76 Recording the reports of highways and other matters by order
- 77 of the commissioners, and copies of all records or other papers,
- 78 twelve cents a page ; and
- 79 For the entry of a petition, fifty cents.

SECT. 4. Fees of sheriffs and their deputies.

- 2 For the service of an original summons or scire facias either
- 3 by reading the same or by copy, or for the service of a capias or
- 4 attachment with summons, on one defendant twenty-five cents ;
- 5 if served on more than one defendant, then twenty-five cents
- 6 more for each defendant, upon whom the process is served.
- 1821, 105, § 1. 1829, 445, § 1.
- 7 If the sheriff or his deputy, by the written direction of the
- 8 plaintiff, his agent or attorney, shall make a special service of
- 9 any writ of attachment, by attaching property, he shall receive
- 10 therefor fifty cents including the summons thereon, or if by
- 11 taking the body on a capias, he shall be allowed fifty cents, for
- 12 each defendant on whom such writ shall be so served.
- 13 Where the officer is by law directed to leave a copy in order
- 14 to complete the service, or shall give a copy of any precept
- 15 upon demand thereof, he may charge at the rate of twelve cents
- 16 a page ; which in the latter case, shall be paid by the party
- 17 demanding the copy.
- 18 If real estate is attached, the officer may tax and receive
- 19 fifteen cents for leaving with the register of deeds an attested
- 20 copy of his return and other particulars as required in section
- 21 eighteen of chapter eleven—and four cents a mile for actual
- 22 travel, or such postage as is legally chargeable from the post
- 23 office nearest the residence of the officer ; and he shall pay
- 24 the register ten cents and tax the same with his own fees.

1838, 344, § 2.

- 25 For a bail bond and writing the same, including principal and
- 26 sureties, to be paid by the person admitted to bail and taxed
- 27 for him, if he should prevail, twenty cents.
- 28 For the service of a subpœna, notice to an adverse party or
- 29 other process in which there is no command to make return
- 30 thereof, twenty-five cents, and, if by copy, at the rate of
- 31 twelve cents a page for the copy ; also the officer may charge
- 32 for his actual necessary travel, at the rate of four cents a mile,
- 33 the usual way to the place of service, with all sums actually

34 paid by him for boat hire, and crossing any toll bridge or
35 ferry, in making such service; and any such service on an
36 adverse party, by giving him an attested copy of the notice in
37 hand, shall be valid, notwithstanding some other mode of
38 service may have been prescribed. 1836, 228, § 2.

39 For levying and collecting executions in personal actions, for
40 every dollar of the first one hundred dollars, three cents, for
41 every dollar above one hundred and not exceeding two hun-
42 dred dollars, two cents; and for every dollar above two
43 hundred dollars, one cent. 1829, 445, § 1.

44 For serving a writ of possession one dollar and ten cents and
45 if on more than one piece of land seventy-five cents for each
46 piece of land after the first; and the fees for levying and col-
47 lecting the costs, shall be the same as above provided for
48 executions in personal actions.

49 For serving an execution upon a judgment of court for
50 partition of real estate, or assignment of dower, one dollar a
51 day and four cents a mile from the officer's place of abode, to
52 the place of service.

53 For causing appraisers to be sworn and making return of
54 levy on real estate, fifty cents. 1825, 309, § 1.

55 For each appraiser of real estate for extending execution or
56 assigning dower, one dollar a day and travel at the rate of
57 four cents a mile going out and returning home to be paid by
58 the officer and charged in his return. 1821, 105, § 1.

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

1825, 309, § 1.

66 When the estate, right, title or interest of any person, held or
67 claimed in virtue of a possession or improvement shall be
68 seized on execution and sold as provided in chapter one hun-
69 dred forty-five or when the franchise or other property of any
70 corporation, or the property of any individual is required to be
71 sold on execution by a process similar thereto and advertising
72 in like manner the officer shall be entitled to the like fees and
73 remuneration, as is allowed in the sale of any equity of redemp-
74 tion. 1825, 309, § 1.

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

1825, 309, § 1.

83 For the service of a warrant, the officer shall be entitled to
84 fifty cents.

85 For each aid necessarily employed in criminal cases, includ-
86 ing expenses, one dollar, and in that proportion for a longer or
87 shorter time, and four cents a mile for travel in going out and
88 returning home.

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

92 For the officers attending court and keeping the prisoner in
93 criminal cases, seventy-five cents for every twelve hours, and
94 in that proportion for a greater or less time.

95 For travel for the service of any writ, warrant, execution or
96 other process, when not otherwise expressly provided by law,
97 four cents a mile, the travel to be computed from the place of
98 service to the court or place of return by the usual way ; but
99 if the distance between those places be more than fifty miles,
100 only one cent a mile shall be allowed for all travel exceeding
101 that distance ; only one travel shall be allowed for any one
102 precept, but if the same be served on more than one person,
103 the travel may be computed from the place of service most
104 remote from the place of return, with all further necessary
105 travel in serving such precept.

106 For travel across any toll bridge or ferry, actually passed in
107 serving or returning any precept, the sum by law payable at
108 such bridge or ferry for a man and horse ; for travel by water
109 to or from any island or crossing any river where no ferry is
110 established, in making service of a writ or warrant, the court
111 where the process is returnable, may allow a reasonable charge.

1829, 445, § 1.

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

115 For returning the certificates of votes of the several towns
116 for a governor and senators to the secretary's office eight cents
117 a mile computing from the place of the officer's abode to the
118 secretary's office ; to be paid out of the treasury of the State ;
119 and but one travel shall be allowed for the whole.

120 For dispersing venires for jurymen, treasurer's warrants and
121 proclamations of all kinds eight cents each.

122 For transmitting to the selectmen of towns precepts from the
123 governor, for calling special meetings for the elections of rep-
124 resentatives to congress from any district with copies of the
125 lists of persons previously voted for, as directed by section
126 of chapter for each town fifty cents.

1833, 68, § 6.

127 For each day's attendance by the sheriff [on] the supreme
128 judicial court or on the district court, three dollars ; for each
129 day's attendance on the court of county commissioners, at a
130 stated session, two dollars, and travel at the rate of two dollars

131 for every ten miles' travel from his place of residence to the
132 court; to be paid from the county treasury.

133 For every deputy sheriff, when ordered to attend either of
134 said courts, one dollar and fifty cents a day, and for each days'
135 attendance on the grand jury, seventy-five cents, from the
136 county treasury; and for attendance on the traverse jury,
137 twenty-five cents, to be paid with the jury fees, for each cause,
138 where he shall so attend.

139 For services under the provisions of chapter one hundred and
140 forty-eight, as follows, taking a debtor before a justice or jus-
141 tices for disclosure, travel as in service of a writ and attendance
142 one dollar; for certifying property disclosed, twenty-five cents;
143 for a bail or other bond twenty five cents; for release from
144 confinement, twenty-five cents; and for recommitment of a
145 prisoner when remanded under the provisions of the said chap-
146 ter twenty-five cents. 1836, 195, § 16.

SECT. 5. Coroners shall be entitled to the same fees as sheriffs
2 for similar services, necessary to be performed by them, except-
3 ing where otherwise expressly provided.

4 They may receive for a bail bond, twenty-five cents; attending
5 in court in every trial where the sheriff is concerned, twenty-five
6 cents, and the same for attending the jury therein.

SECT. 6. Of inquests on dead bodies.

2 The fees for taking inquests on dead bodies shall be as follows,
3 to be certified in the coroner's return, and paid out of the county
4 treasury, viz:

5 To the coroner for granting a warrant and taking an inquest
6 on one body, one dollar; if on more than one at the same time,
7 but their death being caused by the same means, twenty cents
8 for each body after the first.

9 To the jurymen, one dollar a day each, for travel and attend-
10 ance, unless the travel should exceed the distance of four miles,
11 in which case they shall be allowed for their services, seventy-
12 five cents, and travel at the rate of three cents a mile, in full for
13 their time and expenses; and

14 To the constable for his travel and attendance and expenses in
15 summoning a jury ninety cents a day. 1821, 105, 1.

SECT. 7. The fees of constables for the service, travel and
2 return of each venire shall be one dollar and fifty cents to be
3 paid out of the county treasury; and for services which may be
4 performed either by a deputy sheriff or a constable, the consta-
5 ble shall be allowed the same fees, as a deputy sheriff, unless
6 otherwise provided by law. 1821, 105, § 1. 1831, 507, § 2.

SECT. 8. The jailor's fees shall be for turning the key either
2 for committing or discharging a prisoner, twenty cents; for
3 dieting each prisoner such sum weekly and in such proportion
4 for a longer or shorter period as the county commissioners shall
5 judge reasonable, not exceeding one dollar a week for persons
6 charged with or convicted of crimes against the State, and in
7 other cases, not exceeding one dollar and twenty-five cents.

1821, 105, § 1; 82, § 8; 122, § 14.

SECT. 9. The fees of the county commissioners, shall be three
2 dollars per day for their time when actually employed, and
3 one dollar for every ten miles' travel, and in the proportion for a
4 longer time or distance, subject to the conditions prescribed in
5 the thirteenth section of chapter ninety-nine. 1833, 79, § 5.

SECT. 10. The grand jurors and the jurors for trials attending
2 at the supreme judicial court or district court, shall each be
3 allowed one dollar and fifty cents a day for their attendance and
4 six cents a mile for their travel out and home, to be paid out of
5 the county treasury; and jurors attending before a sheriff or on
6 any other occasion prescribed by law, shall be allowed the same
7 as is provided for coroner's inquests.

1821, 105, § 1. 1827, 363, § 1.

SECT. 11. There shall be paid to the clerk of the supreme
2 judicial and of the district court respectively, by the plaintiff, or
3 appellant, seven dollars for the trial of each civil action for
4 the use of the county, to be taxed with his costs if he prevail;
5 and the clerk shall forthwith pay over the same to the county
6 treasurer. 1821, 105, § 1.

SECT. 12. Witnesses whether in the supreme judicial court,
2 district court, probate court or before the county commissioners,
3 shall receive one dollar for each day's attendance, and four cents
4 for each miles travel, going out and returning home; and before
5 a justice of the peace, a judge of the municipal or police court,
6 or referees, auditors or commissioners, specially appointed to
7 take testimony, fifty cents a day for attendance, and for travel
8 the same as at the courts aforesaid.

1821, 105, § 1. 1830, 470, § 2. 1835, 178, § 7.

SECT. 13. Allowance to parties and attorneys in civil causes.
2 To parties recovering costs in any court or before a justice of
3 the peace, thirty-three cents for each day's attendance, and the
4 same for every ten miles travel;
5 No plaintiff shall be allowed for more than three days attend-
6 ance, when the defendant is defaulted, unless the defendant
7 shall have appeared and made answer to the plaintiff's suit; in
8 which case, if the defendant is defaulted after the expiration of
9 three days, no attendance shall be taxed for the plaintiff, after
10 the day when the default shall happen—and in no case for more
11 than six days in all, unless the action shall have been entered
12 on the trial docket, as provided in sections ninety-four and
13 ninety-five of chapter one hundred and fifteen and then not
14 exceeding ten days attendance in each term;

1821, 105, § 1. 1835, 165, § 5. 1838, 336, § 1.

15 Costs for travel shall be taxed in all cases according to the
16 distance of the plaintiff, or his attorney, whichever may be near-
17 est to the place of trial, and when the action shall be in the
18 name of an endorsee, such costs for travel shall be taxed accord-
19 ing to the distance of the attorney, payee or endorsee, whichever
20 shall be nearest to the place of trial; provided that no costs for
21 travel shall be allowed for more than ten miles distance from

22 any justice, municipal or police court, nor for more than forty
 23 miles distance from any other court, unless the plaintiff recover-
 24 ing costs shall actually travel a greater distance, or the adverse
 25 party if he recover costs, shall by himself or his agent or attor-
 26 ney, travel in fact a greater distance for the special purpose of
 27 attending court in such cause ;

1821, 105, § 1. 1835, 165, § 4.

28 For a power of attorney fifty cents, and for the plaintiff's
 29 declaration fifty cents, if in the supreme judicial court or district
 30 court, but no fee for a power shall be taxed before any justice
 31 of the peace ;

1821, 105, § 1. 1822, 207, § 1.

32 When an issue in law or fact is joined, or where there is a
 33 disclosure by one or more trustees, there shall be allowed for an
 34 attorney's fee two dollars and fifty cents if in the supreme judi-
 35 cial court and one dollar and fifty cents, if in the district.

SECT. 14. Costs taxable for the State, in criminal prosecu-
 2 tions.

3 For the attorney acting for the State in all cases in the supreme
 4 judicial court or in any district court one dollar and twenty-five
 5 cents, unless there be a trial by jury or an issue in law at the
 6 supreme judicial court in which case there shall be an additional
 7 charge of one dollar ;

8 For the indictment, in the supreme judicial court one dollar
 9 and twenty-five cents, and in any district court sixty-five cents ;

10 For attendance, thirty-three cents a day, not to extend beyond
 11 the second week of any one term, but no fees for travel shall be
 12 allowed in any case in which the State is a party ;

1836, 248, § 1.

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

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

1836, 216, § 2. 1839, March 23.

SECT. 15. Fees in courts martial.

2 The members, division advocates and witnesses shall be com-
 3 pensated as is provided in section one hundred and twenty-fifth
 4 of chapter

1834, 367, § 9.

5 The marshal shall receive two dollars a day for attendance, and
 6 the orderly officer such allowance as the court may deem rea-
 7 sonable.

8 All witnesses duly summoned, and attending court shall be
 9 allowed one dollar and fifty cents a day for attendance and eight
 10 cents a mile for travel to and from the court ; but no fees for any
 11 witness shall be taxed against the State, unless he was summoned
 12 by direction of the advocate.

13 The pay roll shall be made up at the close of each session of
 14 the court, certified by the president and advocate and filed in

15 the office of adjutant general to be presented to the Legislature
16 for attendance and payment.

SECT. 16. Of probate fees.

2 The register shall receive for such copies as are taxable by law
3 twelve cents a page; he shall demand no fee for taking from the
4 file of his office or transporting to the place of the sitting of the
5 probate court, such papers as are necessary in the settlement of
6 any estate or account in said court. 1821, 105, § 1.

7 To executors, administrators, guardians and trustees, one dollar
8 for every ten miles travel, to and from the court, and one dollar
9 for each day's attendance; and a commission at the discretion
10 of the judge of probate, whether the account be settled at one
11 or more times, not exceeding five per cent. on the amount of
12 personal assets, that may come to their hands, having regard to
13 the nature, liability and difficulty attending their respective
14 trusts. 1830, 470, § 2.

15 In cases where legal council is necessary, a reasonable sum for
16 professional aid shall be allowed at the discretion of the judge.
17 To appraisers on estates and to commissioners for receiving
18 claims against insolvent estates, and to commissioners appointed
19 to make division of estates and for assigning and setting out a
20 widow's dower, not exceeding two dollars a day for the time
21 actually employed including travel and expense.

22 The fees to subscribing witnesses to wills and appraisers of
23 estates, shall be paid by the executors, administrators, trustees
24 or guardians respectively and allowed in the settlement of their
25 accounts.

26 When any partition of real estate or assignment of dower shall
27 be made by order of any judge of probate the expenses thereof
28 shall be paid by the respective parties interested in said estate in
29 proportion to their interest; excepting that when such expenses
30 accrue prior to the closing of the final account of any executor
31 or administrator of the deceased owner of any such real estate,
32 having in his hands sufficient personal assets for the purpose the
33 judge of probate, if he see fit, may order the same to be paid by
34 such executor or administrator and allow the same in his account;
35 provided as follows— 1821, 51, § 37. 1830, 470, § 2.

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

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

SECT. 17. Fees of the secretary of State.

2 For a certificate under the seal of the State, one dollar and for
3 all copies at the rate of twelve cents a page; provided such
4 certificate or copies be for the benefit of particular persons.

SECT. 18. Fees of the register of deeds.

- 2 For entering and recording a deed or other paper of the length
 3 of a page or under, twelve cents.
 4 For certifying on the original the time when, and book and
 5 page where the same is recorded, five cents.
 6 If the instrument recorded exceed a page in length at the rate
 7 of fourteen cents a page.
 8 The above fees together with the duty specified in section
 9 nineteenth of chapter eleven are to be paid when the instru-
 10 ment is offered to be recorded.
 11 For all copies at the rate of fourteen cents a page.
 12 For entering in the margin a discharge of the mortgage, to be
 13 signed by the person discharging the same, twelve cents; and
 14 For receiving of an officer a copy of any return of attach-
 15 ment of real estate, minuting on the same the time when it is
 16 received, keeping the same on file for the inspection of those
 17 who may be interested, and entering the same in a book to be
 18 kept by the register, for the purpose, ten cents.

SECT. 19. Every ordained minister, or justice of the peace
 2 who shall lawfully solemnize a marriage and certify the same,
 3 shall be entitled to therefor, one dollar and twenty-five cents.

SECT. 20. Fees of town clerks.

- 2 For publishing the banns of matrimony, recording the same,
 3 giving a certificate of the publishment and recording the mar-
 4 riage on receiving the minister's or justices' certificate thereof,
 5 fifty cents, to be paid on issuing a certificate of the publishment.
 6 For recording births and deaths, eight cents each.
 7 For a certificate of a birth or death, ten cents.

SECT. 21. Fees of inspectors and their deputies, weighers,
 2 measurer and surveyors.

Of fish.

- 3 For each certificate of exportation, seventeen cents; for inspect-
 4 ing and branding each tierce, ten cents; each barrel, seven
 5 cents; each box of smoked herrings or alewives, two cents;
 6 exclusive of the labor and expense of coopering; all which
 7 shall be paid by the seller. 1821, 150, § 19.

Of clams.

- 8 For inspecting and branding each barrel, ten cents, and each
 9 half barrel, six cents, exclusive of the labor and expense of
 10 packing and coopering; the fees for inspecting and branding to
 11 be paid by the purchaser, and for packing and coopering by the
 12 seller. 1839, March 7.

Of beef and pork.

- 13 For each barrel, inspecting and branding, twelve and a half
 14 cents, cutting, weighing and packing, ten cents, and for coop-
 15 ering, ten cents. 1822, 208, § 1, 3.
 16 For each half barrel, inspecting and branding, eight cents,
 17 cutting, weighing and packing seven cents, and for coopering,
 18 seven cents. 1823, 239, § 1. 1831, 511, § 3.

19 For beef reserved for smoking, jerking and other purposes as
20 provided in section fourteenth of chapter fifty, six cents for
21 every two hundred pounds; and

22 For each certificate required by law, twenty-five cents; for
23 weighing hides and delivering a bill thereof, four cents a hide
24 to be paid by the purchaser. 1832, 18, § 4.

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

Of butter and lard.

28 For inspecting, branding, and weighing each cask, keg or
29 firkin, seven cents, and for each certificate required by law,
30 twenty-five cents. The inspector general to receive of his dep-
31 uties no more than one fifth part of the fees paid them for the
32 above services. 1832, 18, § 4.

Of hops.

33 For inspecting, marking, weighing and delivering an attested
34 schedule of the same at the rate of ten cents for every hundred
35 pounds, to be paid by the purchaser; exclusive of the charges
36 of repacking and mending the bales or packets, when necessary,
37 which shall be paid by the vender and also exclusive of storage,
38 if stored by the inspector more than thirty days after inspection,
39 but including storage if for less than that time.

1821, 152, § 2. 1836, 202, § 2, 13.

40 For a general certificate to the collector on shipping the same,
41 twenty-five cents, to be paid by the shipper. The inspector to
42 receive one fifth part only of the fees, taken by his deputies.

1821, 152, § 5.

Of tobacco.

43 For every cask inspected and proved, twenty cents if the num-
44 ber does not exceed four, and twelve cents for each cask exceed-
45 ing that number; exclusive of cooperage, and to be paid by the
46 shipper. 1821, 154, § 8.

Of onions.

47 Ten cents for every hundred bunches, weighed and certified,
48 if not exceeding five hundred bunches, and five cents for a
49 greater quantity, the fees to be paid by the purchaser.

1821, 154, § 12.

Of pot and pearl ashes.

50 For inspecting and assorting, seven cents per hundred pounds;
51 for coopering and nailing each cask and putting the same in
52 shipping order, eight cents; the charges to be paid by the pur-
53 chaser. 1821, 151, § 10.

54 The inspectors shall not receive from their deputies more than
55 seven and a half per cent. on the fees for inspecting, nor any
56 part of the sum allowed for coopering. 1821, 151, 11.

Of lime.

57 For each cask inspected and branded, one mill, and two dol-
 58 lars and fifty cents for each day employed in inspecting, and in
 59 that proportion for any part of a day.

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

1821, 156, § 6. 1828, 298, § 1. 1839, March 22, 25.

Of lumber.

62 To the surveyors of boards, plank, timber and slit work for
 63 viewing only, eight cents per thousand feet; for measuring and
 64 marking the same, eight cents more, and in that proportion for
 65 any part of a thousand, to be paid by the buyer.

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

68 To the viewers and cullers of staves and hoops, for barrel
 69 staves, twenty-five cents per thousand, and for hogshead and
 70 butt staves, thirty-three cents per thousand, as well refuse as
 71 merchantable, the merchantable to be paid for by the buyer, the
 72 refuse by the seller, and the culler of hoops shall be allowed
 73 forty cents per thousand. 1821, 158, § 11.

Of mill logs.

74 To the surveyors at the rates of four cents per thousand feet
 75 board measure, for viewing and inspecting, three cents per
 76 thousand in addition for measuring and marking the quantity
 77 and quality of the logs, and making out and delivering certi-
 78 ficates of the same, to be paid by the purchaser.

1829, 447, § 2.

Of firewood and bark.

79 The measurers shall receive such fees for their services, as the
 80 selectmen of the town shall appoint, to be paid by the driver
 81 and repaid by the buyer, when brought by land, and by the
 82 wharfinger when brought by water. 1821, 170, § 2.

Of weights and measures.

83 To the sealers of the several towns for trying and proving by
 84 the town standard and sealing each beam, weight and measure,
 85 found to be conformable to the standard, two cents, and if not
 86 conformable, four cents. 1838, 306, § 1.

Of fire-arms.

87 Each prover shall be entitled to receive for each barrel proved
 88 twenty-five cents, in addition to the expense of the powder
 89 necessarily used in the trial, whether the barrel shall stand the
 90 proof and be marked or not. 1821, 162, § 2.

SECT. 22. The inspectors of the several kinds of merchan-
 2 dize, commissioned by the governor, may, whenever they see
 3 cause, require their respective deputies to render to them under
 4 oath a true account of the official services by them performed.

1828, 398, § 1.

SECT. 23. The word "page" when used as the measure of the contents of any record or written paper, shall mean two hundred and twenty-four words, if the writing contains that number; and in all cases where no other rule is provided, the allowance to public officers for any copies, which they are by law required to furnish, shall be at the rate of twelve and a half cents a page, including the alteration of the same; for affixing an official seal to the same when necessary, twenty-five cents more. 1821, 105, § 1.

SECT. 24. In all cases carried from before a justice of the peace, or municipal, police, district or probate court to a higher tribunal all depositions and other original papers, excepting the writ, complaint, summons, citation or other process by which the action is commenced, and the return of notice by the officer or other person serving the same, and the pleadings shall be certified by the justice, recorder, clerk or register and carried up without leaving copies, unless for special reasons otherwise ordered by the court, having the original jurisdiction. 1821, 105, § 1.

SECT. 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. M. R. S. 122, § 21.

SECT. 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 have one. 1821, 105, § 3.

Penal provisions.

SECT. 27. Every officer or other person, upon receiving any such fees as are stated in this chapter, 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 paid, to be recovered in an action of debt. 1821, 105, § 4. 1822, 208, § 4.

SECT. 28. If any attorney at law or other person shall demand and take for any writ of attachment, with a summons or for any original summons, made returnable before any justice of the peace, or judge or recorder of any municipal or police court together with the declaration therein contained, more than fifty seven cents of any defendant in such suit, or if in the taxation of costs in any such suit such justice, judge or recorder shall tax or allow to be taxed more than that sum for the same, the person so offending shall forfeit and pay to the defendant paying the same or against whom the same shall be taxed not less than five dollars nor more than ten, to be recovered in action of debt. 1839, Feb. 29.

SECT. 29. If any person shall wilfully and corruptly demand and receive any greater fees for the services enumerated in this

3 chapter, or if any witness shall falsely, wilfully and corruptly
 4 certify that he has travelled more miles or attended court more
 5 days than he has actually travelled or attended, he shall forfeit
 6 not less than five dollars nor more than thirty for every such
 7 offence, to be recovered either by indictment to the use of the
 8 State, or by an action of debt to the use of any person, who may
 9 sue for the same ; provided that no such prosecution nor suit
 10 shall be commenced, unless within one year after the commis-
 11 sion of the offence. 1821, 105, § 5. 1822, 208, § 5.

CHAPTER 152.

OF THE TAXATION OF COSTS AND THE COLLECTION AND DISPOSAL OF FINES AND COSTS, IN CRIMINAL PROSECUTIONS.

ARTICLE I. Of costs taxed for justices of the peace, civil officers and witnesses.

- Sect. 1. No costs allowed to the justice for more warrants than necessary.
 2. Nor where the grand jury do not find a bill.
 3. Officers to be examined under oath, as to special charges.
 4. What witnesses the justice may summon, and recognize in cases before himself.
 5. What witnesses he may summon in other cases.
 6. Witnesses fees to be paid in advance, if summoned by the party prosecuted.
 7. No allowance to the complainant in any capacity with certain exceptions.
 8. Witnesses in several prosecutions to tax costs only in one, if on the same day, &c.
 9. When fees for attendance of witnesses shall commence.
 10. When the justice may retain and pay over fees.
 11. Disposal of fees not called for.
 12. Certain bills of costs to be allowed by the county commissioners.
 13. Unless one of the commissioners be interested.
 14. In prosecutions carried from a justice to a higher court how the costs shall be certified.
 15. Jurisdiction of the higher courts as to costs.
 16. Of expenses of supporting prisoners in jail.

ARTICLE II. Collection and disposal of fines and costs, accruing to the State or county.

17. Of costs to be certified by clerks of courts.
 18. Of the power of clerks to collect fines and bills of costs.
 19. Officers to pay over fines and costs collected to the county treasurers.
 20. Penalty for their neglect.
 21. Officers receiving warrants from the clerks to account for the same to the respective courts.
 22. Justices of the peace to account for fines, to the county treasurer.
 23. County treasurers accountable to State treasurer, in certain cases.
 24. Limitation of individual claims for fees, of county treasurer.
 25. County treasurer to account to the governor and council for unclaimed fees, and for those allowed to attorneys for the State.
 26. County treasurer to account to the county for jury fees and jailer's charges.
 27. Fines and costs in justices prosecutions, how appropriated.
 28. Sheriff to deliver over certain securities to the county treasurer,

- Sect. 29. Treasurer to exhibit a schedule of the same to the commissioners.
 30. Proceedings of commissioners thereon.
 31. Compensation therefor to county treasurer and attorney.
 32. Secretary of State to compare treasurer's books with returns; and
 33. His duty relating thereto.
 34. How the county attorney shall proceed, with unpaid claims.
 35. Same subject.
 36. Same subject.
 37. County attorneys to report thereon, to the secretary of State.
 38. General provision relating to the judges of municipal and police courts.

ARTICLE I.—*Of costs taxed for justices of the peace, civil officers and witnesses.*

SECT. 1. Where several warrants are issued by any justice of the peace, against one or more defendants, when only one warrant is necessary, no more costs shall be allowed therefor to the justice, than for one complaint and warrant. 1823, 235, § 4.

SECT. 2. When a party accused before a justice of the peace, has been ordered to recognize to answer before any court, having jurisdiction of the offence, and the grand jury, on examination of the evidence before them, shall not find an indictment against such party, the justice shall not be entitled to any fees for his services in the case, and in no case, shall he tax other or greater fees, than are expressly allowed by law. 1823, 225, § 3.

SECT. 3. The justices of the supreme judicial court and of the several district courts, and justices of the peace, before whom any criminal prosecution may be pending, shall not allow, any charge for aid or other expense of the officer in serving the warrant in such case, other than the stated fees for the officer's service and travel, unless after examination of the officer under oath, and on such other testimony, as they shall think proper, they find reasonable cause to justify such additional charges. 1823, 235, § 2.

SECT. 4. Any justice of the peace, when a complaint has been made before him, and a warrant issued thereon, may order such witnesses, as he is satisfied can testify to material facts, and whose testimony is necessary, and no other, to be summoned to attend the examination on trial; and the justice who shall have cognizance of the case, may order such witnesses only, as he is satisfied are material and necessary, to recognize to appear at any higher court, to which such case may be carried by appeal or otherwise. 1823, 235, § 1.

SECT. 5. No justice of the peace, except as provided in the preceding section, shall issue summonses for witnesses to appear and give evidence in any criminal suit, unless by the request of the attorney general, or some county attorney, and it shall be expressed in every such summons, that the same is issued by such request. 1821, 82, § 1.

SECT. 6. When a justice shall issue any summons for a witness at the request of any person prosecuted in a criminal suit, it shall be so expressed in the summons, and the witness shall thereby be required to appear and give evidence upon condition, that such party pay him his legal fees. 1821, 82, § 1.

SECT. 7. No costs shall be allowed by a justice of the peace for the benefit of any complainant, whether as an officer, witness or in any other capacity; provided, that a police officer or constable duly qualified and acting under the authority of a town, or complaining in cases, where by particular provisions of law, it is made his duty to complain, may be allowed his fees as an officer. 1823, 235, § 1. 1836, 227, § 2.

SECT. 8. When any person shall have been summoned, as a witness in more than one criminal prosecution before a justice of the peace on the same day, or at the same term of any judicial court, he shall be allowed pay for travel and attendance only in such one prosecution, as the justice or the court may direct; and in no case shall he be allowed more than one travel at the same time. 1823, 235, § 4.

SECT. 9. No fees in criminal prosecutions continued after the first term, shall be allowed to witnesses on the part of the State, until the third day of the term of the supreme judicial court or of any district court, held in any county in this State, except in the counties of Hancock, Oxford, and until the second day in either of these excepted counties, unless in either case the court shall have expressly required an earlier attendance. 1831, 509, § 1.

SECT. 10. If any person, convicted of any offence, before any justice of the peace, be ordered by such justice to pay the costs of prosecution, as part of his sentence, and shall comply with such order, the justice may retain his own fees and pay over the other fees to the officer, witnesses and other persons thereto entitled.

SECT. 11. If such fees, other than the justices, be not called for within one year, they shall be forfeited to the use of the State, and the justice shall pay over the same to the county treasurer within such time and under such penalty, as is provided in the twenty-second section of this chapter, for the non-payment to such treasurer of fines by him received.

SECT. 12. Whenever a party accused, shall be acquitted, by any justice of the peace and also whenever he is convicted by the said justice and not sentenced to pay costs, or if sentenced to pay them, the said costs shall not be collected of him, the commissioners of the same county may examine and correct all such bills of costs including the fees of the officer, witnesses and other persons, entitled thereto, and order the same to be paid out of the county treasury; except as is provided in the following section. 1835, 303, § 1. 1833, 227, § 1.

SECT. 13. Whenever any justice, or any individual interested in such bill of costs, shall be one of the county commissioners

3 for the same county, the district court held in said county, shall
4 have the same cognizance of such bill of costs, as the commis-
5 sioners might otherwise have had. 1825, 303, § 1.

SECT. 14. In all criminal prosecutions, which are carried to
2 any court, by appeal from the decision of a justice of the peace,
3 or where the party accused is committed or required to recog-
4 nize for his appearance to any court, the costs shall be taxed
5 and certified with the papers to the court.

SECT. 15. In all criminal prosecutions, lawfully pending in
2 the supreme judicial court or in any district court, the court may
3 allow and tax such costs for justices, officers, aids, jurors and
4 witnesses and for other charges, upon such prosecution and
5 previous to its determination, as are provided by law, whether
6 the person accused be brought to trial or not, or whether he be
7 convicted or acquitted upon trial; and all costs so taxed shall be
8 paid out of the county treasury. 1821, 82, § 1.

SECT. 16. The expenses of supporting prisoners, committed
2 by due process of law and unable to support themselves in any
3 jail upon charges or conviction of crimes and offences committed
4 against the State, shall be refunded by the State—The jailer in
5 each county, shall render on oath to the county commissioners
6 at each stated session thereof, an account of all such expenses,
7 stating the time when each prisoner was committed for what
8 offence, how long held, and, if his term has expired, when dis-
9 charged, and shall exhibit the warrants of commitment and dis-
10 charge and leave copies thereof with the commissioners; and
11 the jailer shall credit all monies and effects whatever received or
12 to be received of the prisoner or of other persons on his account,
13 and the court on due examination into the nature of the accounts
14 and the ability of the prisoner to refund any part of such
15 expenses, shall order such sum as they think reasonable, to be
16 paid to the jailor, not exceeding one dollar a week, from the
17 county treasurer. 1821, 82, § 8.

ARTICLE II—*Of the collection and disposal of fines and costs accruing to the State or county.*

SECT. 17. The clerk of the judicial courts, shall attest and
2 deliver to the county treasurers, copies of all bills of costs
3 allowed by said courts and certificates of all fines and forfeitures,
4 imposed and accruing to the State or to the county, either before
5 the rising thereof or as soon after as may be, and shall also
6 deliver to him a separate certificate of all the bills of costs
7 allowed by said courts, setting down therein the sum total only
8 of each in order that the same may be charged and used as a
9 voucher in his account with the treasurer of the State, as provided
10 in the twenty-third section of this chapter. The said clerk shall
11 also return to the treasurer of the State a certificate of all fines
12 and forfeitures imposed to the use of the State in said courts.

1821, 82, § 2.

SECT. 18. The clerk of said court, shall receive all fines, for-
2 feitures or bills of costs paid or tendered to him, before the

3 issuing of any process for the collection thereof, and pay over
4 the same, and, in default of such payment made to him, issue
5 warrants of distress or other process therefor, and deliver the
6 same to the proper officers in the manner provided in section
7 of chapter 1830, 464, § 1.

SECT. 19. All sheriffs, jailers, constables and coroners, who
2 may, by virtue of their office, receive any fines, forfeitures, or
3 bills of costs, whether such fines and forfeitures, accrue to the
4 State or to the county, except debts and costs received upon
5 executions in favor of the State, shall forthwith pay the same to
6 the treasurer of the county in which the same shall have accrued.

1821, 82, § 3.

SECT. 20. If any such officer receiving such fine, forfeiture or
2 costs, shall, for the space of ten days, after the receipt thereof,
3 neglect to pay over the same, or if he shall permit any person
4 sentenced to pay such fine, forfeiture or bill of costs and com-
5 mitted to his custody to go at large without payment unless by
6 order of law, and shall not within twenty days after such escape
7 pay the amount thereof to the county treasurer, he shall forfeit
8 and pay double the amount to the county treasurer, whose duty
9 it shall be to sue for the same in an action of debt, one third
10 part to his own use, and the other two thirds to the use of the
11 State.

1821, 82, § 3.

SECT. 21. Every sheriff, or other officer, to whom any warrant
2 of distress, or other process shall have been committed for the
3 recovery of any such fine, forfeiture or costs by the clerk of
4 either of said courts, shall be held at the next session of the
5 same court in the same county, to produce thereto a receipt in
6 full for the same, or to assign a satisfactory excuse for not doing
7 so; in case of delinquency the court shall order a prosecution
8 to be commenced for the same by the county attorney.

1821, 82, § 3.

SECT. 22. Every justice of the peace, shall be held to render
2 an account of, and pay over, all fines and forfeitures by him
3 received upon convictions and sentences before him, whether
4 accruing to the State or the county, to the treasurer of the
5 county within six months after he shall have received the same;
6 in case of any neglect, he shall forfeit and pay in each instance
7 thirty dollars to be recovered by the county treasurer in an
8 action of debt, one half to his own use, and the other half to
9 the use of the State; which action it shall be his duty to com-
10 mence in all cases of which he may have information.

1821, 82, § 4.

SECT. 23. The county treasurer, shall make out his account
2 of all bills of costs, allowed and taxed against the State by the
3 judicial courts in his county, and give credit for all fines, forfei-
4 tures and costs accruing to the State by him received, and pay
5 over the net balance thereof to the State treasurer, if any be due
6 to the State; or, if otherwise, receive such balance from the
7 State treasurer in the manner and under the penalties provided
8 in the fourteenth section of chapter twelve.

1821, 82, § 5.

SECT. 24. All sums allowed to any person as fees, or for expenses in any criminal prosecution, and which are chargeable to the State and payable from the county treasury, may be claimed by any such person of the county treasurer at any time within three years next after the same were taxed and allowed and not afterwards.

1821, 82, § 7.

SECT. 25. Every county treasurer in his general account, which he is required to render to the governor and council pursuant to the section of chapter twelve, shall credit the State with all such sums of money remaining unclaimed, as mentioned in the preceding section, and also with all sums taxed in any bill of costs in a criminal prosecution for the fees of the attorney general or county attorney, when no other person is entitled thereto; and the amount of such sums shall be deducted from the county treasurers account against the State.

1821, 82, § 7.

SECT. 26. Every county treasurer shall account with the county for all sums allowed to, or received by him out of the treasury of the State for jury fees and for jailer's charges, for the maintenance of prisoners.

1821, 82, § 7.

SECT. 27. All fines imposed by justices of the peace to the use of the State, and all costs accruing to the State in such prosecutions, shall be paid into the county treasury to be appropriated to the payment of sums allowed by the judicial courts pursuant to the fifteenth section of this chapter; and the county treasurer shall credit his county with the same instead of the State.

1825, 203, § 1.

SECT. 28. The sheriff in each county, shall, as often at least as every three months, deliver over to the treasurer of his county all notes or other securities by him taken for fines and costs on the liberation of poor convicts from prison pursuant to law.

1830, 464, § 5.

SECT. 29. The county treasurer shall, at the next following session of the county commissioners, lay before them a schedule of all such notes with the amounts due on them respectively to be filed with the clerk.

1830, 464, § 5.

SECT. 30. The commissioners shall from time to time, examine such notes and securities and order the county attorney to take such legal measures for their collection by suit or otherwise as they shall judge expedient; and they may authorize the treasurer to compound with any of the persons liable on such notes or securities, or cancel the same, on such terms as the board shall direct.

1830, 464, § 5.

SECT. 31. The commissioners may order a reasonable compensation for the services of the treasurer and the actual expenses of such treasurer, or the county attorney, under the provisions of the foregoing section to be paid out of the county treasury.

SECT. 32. The secretary of State from time to time, as the governor and council may direct, shall cause the books of the treasurer of the State, and the accounts of the several county

4 treasurers, deposited in the office of the treasurer of the State,
5 to be compared with the returns, made to him pursuant to the
6 provisions of sections twelve and thirteen of chapter one hun-
7 dred from the clerks of the judicial courts, and shall ascertain
8 what fines, forfeitures and bills of costs have not been paid over
9 to the use of the State. 1830, 464, § 3.

SECT. 33. The secretary shall thereupon make out separate
2 schedules of each county of such unpaid fines, forfeitures and
3 bills of costs, and make appropriate entries and records thereof
4 to be kept in his office, and shall transmit such schedules to the
5 attorneys of the respective counties, certifying thereon, that the
6 same appear to be due and unpaid. 1830, 464, § 3.

SECT. 34. The several county attorneys shall examine the
2 records and files in the offices of clerks in their respective coun-
3 ties and the certificates and accounts in the offices of the
4 respective county treasurers relating to fines, forfeitures and
5 bills of costs, accruing to the use of the State, and ascertain,
6 so far as practicable, the causes of any delinquencies, which
7 may appear in paying over the same, and shall move the respec-
8 tive courts for all such orders and processes, as may be deemed
9 necessary to enforce the collection and payment of the same.

1830, 464, § 2, 4.

SECT. 35. Whenever any sheriff, or other officer, shall appear
2 not to be discharged of any such fine, forfeiture or bill of costs
3 committed to him to collect, the county attorney shall cause him
4 to be summoned and brought before the court, in which the
5 same were imposed, to show a proper discharge for the same, or
6 the cause why the same is not collected or paid over, as provided
8 in the twenty-first section of this chapter. 1830, 464, § 2, 4.

SECT. 36. The county attorney shall carry into execution all
2 lawful orders of the courts aforesaid, relating to the collection
3 and payment of such fines, forfeitures and bills of costs and by
4 all other means, pertaining to his office, shall promote and
5 enforce the collection and payment thereof. 1830, 464, § 2, 4.

SECT. 37. The respective county attorneys, from time to time,
2 when required by the governor and council shall make out and
3 transmit to the secretary of State reports of the results of the
4 investigations by them made relating to the items mentioned in
5 the schedules, transmitted to them under the thirty-third section
6 of this chapter. 1830, 464, § 4.

ARTICLE III.—*General provisions relating to judge of municipal and police courts.*

SECT. 38. All the provisions of this chapter, applicable to
2 justices of the peace, shall be construed as extending to the
3 judges of any municipal court, or police court, within their
4 respective jurisdictions, with the like obligations, restrictions
5 and penalties.