

# MAINE STATE LEGISLATURE

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REVISION II.

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REPORT

OF THE

COMMISSIONER

APPOINTED TO

REVISE THE PUBLIC LAWS

OF THE

STATE OF MAINE.

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SALARIES AND COMPENSATIONS.

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TITLE X.

Augusta:  
FULLER & FULLER, PRINTERS TO THE STATE.

1856.



# TITLE TENTH.

## SALARIES AND COMPENSATIONS.

*Chap.* 114. Duties payable by public officers, attorneys, and inspectors.

115. Salaries of public officers, and compensation of members of the government.

116. Regulation of fees and costs.

### Chapter 114.

#### DUTIES PAYABLE BY PUBLIC OFFICERS, ATTORNEYS, AND INSPECTORS.

*Sect.* 1. Duties payable by public officers.

2. Duties payable by attorneys.

3. Duties payable by inspectors of fish.

4. County treasurers to account to treasurer of state for duties received.

SECT. 1. No person appointed or elected to an office named  
2 in this section shall enter upon the discharge of his duties,  
3 until he has paid to the treasurer of state or of his county  
4 the following sum :

Duties payable  
by public  
officers.  
R. S., c. 149, § 1.  
1854, c. 94, § 1.

5 Sheriffs of the counties of York, Cumberland, Lincoln, Ken-  
6 nebec, and Penobscot fifty dollars each ; and of other coun-  
7 ties twenty-five dollars each.

Amendment of  
constitution.  
1856.

8 Clerks of the judicial courts for the counties of York,  
9 Cumberland, Lincoln, Kennebec, and Penobscot forty dol-  
10 lars each ; and for other counties twenty-five dollars each.

11 County attorneys five dollars each.

12 Judges of probate seven dollars each.

13 Registers of probate ten dollars each.

14 Inspectors general, except inspectors of hops, butter, lard,  
15 and pot and pearl ashes, twenty dollars each.

16 Justices of the peace five dollars each.

SECT. 2. No person shall be admitted as an attorney, until  
2 he has paid to the treasurer of the county where he is ad-  
3 mitted twenty dollars and produced a receipt therefor to the  
4 court.

Duties payable  
by attorneys.  
Idem, § 3.

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Duties payable  
by inspectors of  
fish.

Idem, § 4.

Treasurers of  
counties to  
account to  
treasurer of  
state for duties  
received.  
Idem, § 2.

SECT. 3. Every inspector of fish on being qualified shall  
2 pay to the treasurer of the town, in which he resides, five  
3 dollars, which shall be paid to the treasurer of state on or  
4 before the twentieth day of January annually.

SECT. 4. Each county treasurer shall specify in his account  
2 rendered to the state sums received by him under the pro-  
3 visions of this chapter with the name of the person and  
4 office, for which the same was paid.

## Chapter 115.

SALARIES OF PUBLIC OFFICERS AND COMPENSATION OF MEMBERS  
OF THE GOVERNMENT.

Sect. 1. Salaries of public officers.

2. Salaries of county attorneys.

3. Salaries of judges of probate.

4. Salaries of registers of probate.

5. Salaries of clerks of courts.

6. Compensation of councilors, senators, representatives, secretary of senate,  
clerk of house, and assistants.

*Salaries of public officers.*

Salaries.

SECT. 1. The following public officers are entitled to re-  
2 ceive salaries from the treasurer of state on the first day of  
3 January, April, July, and October of each year at the fol-  
4 lowing rates:

5 Governor fifteen hundred dollars.

6 Treasurer of state sixteen hundred dollars; and he is not to  
7 receive any other emolument or perquisite.

8 Secretary of state nine hundred dollars and be entitled to  
9 retain such fees as are received in his office for special serv-  
10 ices.

11 Adjutant general five hundred dollars.

12 Land agent one thousand dollars.

13 Warden of the state prison seven hundred dollars; with  
14 the use without charge of such part of the keeper's house  
15 and buildings of the state appurtenant to the prison and yard  
16 as the governor and council may direct, and fuel for his use;  
17 which shall be in full for all services including the duty of  
18 receiving and paying out all moneys for all purposes.

19 Judges of the supreme judicial court each eighteen hundred  
20 dollars.

21 Attorney general one thousand dollars.

Governor.  
R. S., c. 150, § 1.  
Treasurer of  
state.  
1856, c. 243, § 10.

Secretary of  
state.  
R. S., c. 150,  
§ 1, 2.

Adj. general.  
1848, c. 84, § 23.  
Res. Apr. 9, 1856.  
Land agent.  
R. S., c. 150, § 1.  
Warden of state  
prison.  
Idem, § 1, 2.  
1856, c. 245, § 1.

Judges of S. J.  
Court.  
Idem, § 1.  
Att'y general.  
Idem, § 1.

- 22 Reporter of decisions one thousand dollars with the right  
 23 to retain for his own use the profits arising from a publica-  
 24 tion of his reports.
- SECT. 2. County attorneys of the counties of,
- 2 York, five hundred dollars.
  - 3 Cumberland, seven hundred dollars.
  - 4 Lincoln, four hundred dollars.
  - 5 Oxford, three hundred and fifty dollars.
  - 6 Androscoggin, three hundred dollars.
  - 7 Sagadahoc, two hundred dollars.
  - 8 Kennebec, four hundred dollars.
  - 9 Somerset, three hundred dollars.
  - 10 Penobscot, five hundred dollars.
  - 11 Hancock, two hundred and twenty-five dollars.
  - 12 Washington, three hundred dollars.
  - 13 Waldo, three hundred dollars.
  - 14 Franklin, one hundred and seventy-five dollars.
  - 15 Piscataquis, one hundred and twenty-five dollars.
  - 16 Aroostook, one hundred dollars.
- 17 And no fees, costs, or emoluments, except at the discretion  
 18 of the court for assistance in the trial of capital cases.
- SECT. 3. Judges of probate from the treasurers of their  
 2 counties :
- 3 York, four hundred dollars.
  - 4 Cumberland, seven hundred dollars.
  - 5 Lincoln, five hundred dollars.
  - 6 Kennebec, four hundred and fifty dollars.
  - 7 Hancock, three hundred and seventy-five dollars.
  - 8 Sagadahoc, two hundred dollars.
  - 9 Androscoggin, two hundred dollars.
  - 10 Oxford, two hundred and seventy-five dollars.
  - 11 Somerset, two hundred and fifty dollars.
  - 12 Washington, four hundred dollars.
  - 13 Penobscot, three hundred and fifty dollars.
  - 14 Waldo, two hundred dollars.
  - 15 Franklin, one hundred and fifty dollars.
  - 16 Piscataquis, one hundred and thirty-five dollars.
  - 17 Aroostook, two hundred dollars.
- SECT. 4. Registers of probate in the counties of
- 2 York, six hundred and twenty-five dollars.
  - 3 Cumberland, nine hundred and fifty dollars.
  - 4 Lincoln, six hundred and fifty dollars.
  - 5 Oxford, four hundred dollars.
  - 6 Androscoggin, three hundred dollars.

## CHAP. 115.

Reporter.  
 Idem, § 1.  
 1850, c. 173, § 4.

Co. Attorneys.  
 1856, c. 249.  
 York.

Cumberland.  
 1856, c. 229.

Lincoln.  
 1853, c. 36, § 1.

Oxford.

1856, c. 260.

Androscoggin.

1855, c. 136, § 1.

Sagadahoc.

1854, c. 70, § 13.

Kennebec.

1853, c. 36, § 1.

Somerset.

1856, c. 220.

Penobscot.

1854, c. 83, § 1.

Hancock.

1853, c. 36, §

Washington.

Idem.

Waldo.

Idem.

Franklin.

Idem.

Piscataquis.

Idem.

Aroostook.

Idem.

Allowance in

capital cases.

1853, c. 36, § 2.

1854, c. 103, § 1.

Judges of

Probate.

York.

1848, c. 642, § 1.

Cumberland.

1852, c. 223, § 1.

Lincoln.

1851, c. 209.

Kennebec.

1849, c. 126.

Hancock.

1854, c. 69.

Sagadahoc.

1854, c. 70, § 13.

Androscoggin.

1854, c. 60, § 13.

Oxford.

1855, c. 155.

Somerset.

1850, c. 175.

Washington.

1852, c. 222.

Penobscot.

1850, c. 169.

Waldo.

1848, c. 69.

Franklin.

1847, c. 18.

Piscataquis.

1848, c. 35.

Aroostook.

1855, c. 117.

Register of

probate.

York.

1846, c. 178.

Cumberland.

1852, c. 224.

Lincoln.

1849, c. 121.

Oxford.

1850, c. 167.

Androscoggin.

1854, c. 60, § 13.

## CHAP. 115.

Sagadahoc.  
1854, c. 70, § 13.  
Kennebec.  
1849, c. 126.  
Somerset.  
1851, c. 214.  
Penobscot.  
1856, c. 205.  
Hancock.  
1854, c. 102.  
Washington.  
1856, c. 226.  
Waldo.  
1856, c. 246.  
Franklin.  
1855, c. 123.  
Piscataquis.  
1848, c. 35.  
Aroostook.  
1855, c. 118.  
Fees for copies.  
R. S., c. 150, § 2.

Unable to per-  
form duties,  
salary paid to  
person perform-  
ing them.  
Idem, § 5, 6.

Counties provide  
books and  
blanks.  
Idem, § 7.

Clerks of courts  
fees, amount to  
be retained.

Idem, § 3.

- 7 Sagadahoc, three hundred dollars.  
8 Kennebec, seven hundred dollars.  
9 Somerset, four hundred dollars.  
10 Penobscot, eight hundred dollars.  
11 Hancock, four hundred dollars.  
12 Washington, four hundred and fifty dollars.  
13 Waldo, four hundred and twenty-five dollars.  
14 Franklin, two hundred and fifty dollars.  
15 Piscataquis, one hundred and sixty-five dollars.  
16 Aroostook, two hundred dollars.  
17 Registers of probate are also entitled to fees for copies of  
18 all papers furnished by request, except one of each of the  
19 following papers to be furnished to those entitled to them  
20 when demanded, wills proved, inventories returned, accounts  
21 settled, partitions of real estate, assignments of dower, and  
22 all orders and decrees of the court. When a register is  
23 unable to perform his duties or neglects them, the judge  
24 shall certify such inability or neglect to the county treasurer,  
25 and the time of its commencement and termination and who  
26 has performed the duties of register in the mean time,  
27 and the treasurer shall not pay the salary of the register,  
28 while he ceases to perform the duties, but it shall be paid  
29 to the person certified to have performed them. Each county  
30 shall provide books necessary for the records of the court  
31 and necessary printed blanks.

SECT. 5. Clerks of the judicial courts may retain out of  
2 fees received by them during the past year at the rate of one  
3 thousand dollars per year and one half of the amount re-  
4 ceived over that sum, rendering an account of all fees as pro-  
5 vided by law.

*Compensation of members of the government.*

Compensation of  
councilors,  
senators, repre-  
sentatives, and  
secretary, clerk,  
and assistants.

SECT. 6. Each member of the council, senate, and house of  
2 representatives, shall be paid two dollars for every day he  
3 has attended and two dollars for every ten miles of travel  
4 from his place of abode at each session.  
5 The president of the senate, and speaker of the house of rep-  
6 resentatives, shall each be paid two additional dollars for  
7 every day's attendance. The secretary of the senate and  
8 clerk of the house of representatives shall be paid three  
9 dollars each and their assistants two dollars each, for every  
10 day of their employment. Pay rolls shall be made and pay-

11 ment made by the treasurer of state according to these pro-  
 12 visions. The superintendent of buildings shall be paid one  
 13 dollar and twenty-five cents per day without any commission  
 14 upon moneys disbursed by him.

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Idem, § 4.  
 Res. April  
 10, 1856.

## Chapter 116.

### THE REGULATION OF FEES AND COSTS.

- Sect.* 1. Fees chargeable, and costs taxable in civil and criminal suits.
2. Fees of justices of the peace.
  3. Judges of municipal and police courts.
  4. Clerks of the judicial courts, supreme judicial court, and court of county commissioners.
  5. Fees of sheriffs and their deputies.
  6. Corners, for similar services.
  7. Costs of inquests on dead bodies.
  8. Fees of constables.
  9. Jailers, for commitment and discharge, and support of prisoners.
  10. Jailers to make return to county commissioners of all their expenses and support of prisoners, at each of their stated sessions.
  11. Jurors, fees.
  12. Duty on jury trials to be paid to the clerk.
  13. Fees of witnesses.
  14. Costs taxed for parties and attorneys in civil causes; costs in actions brought in the supreme judicial court, which a magistrate might try.
  15. Costs taxable for the state in criminal prosecutions.
  16. Probate fees.
  17. Expenses of partition, or assignment of dower in probate court, to be paid by parties; except when the judge requires executors, &c., to pay.
  18. Fees of the secretary of state.
  19. Register of deeds.
  20. Fees for solemnization of marriage.
  21. Fees of town clerks.
  22. Fees of inspectors, weighers, measurers and surveyors. Fish; beef and pork; butter and lard; hops; tobacco; onions; pot and pearl ashes; lime; lumber: mill logs; fire wood and bark; weights and measures, and fire-arms.
  23. Inspectors may require returns from their deputies, under oath.
  24. What constitutes a written page. Fees for copying and annexing certificates in general cases.
  25. Fees not expressly provided for.
  26. Fee tables to be exposed to view in offices.
  27. Fees for entering appeal to be taxed and paid as other fees.
  28. Account of items, in writing, may be required by party paying penalty.
  29. Penalty for overcharging costs on justice writs, by attorneys or others.

SECT. 1. The fees for precepts and services and the costs  
 2 taxable in civil suits and criminal prosecutions shall be, as  
 3 provided in this chapter.

Fees chargeable, &c.  
 R. S., c. 151, § 1.

#### *Fees of justices of the peace.*

SECT. 2. For every blank writ of attachment and summons  
 2 thereon or original summons ten cents.  
 3 For every subpoena for one or more witnesses ten cents.

Fees of justices of the peace.  
 R. S., c. 151, § 1.



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- 4 For the entry of an action or filing a complaint in civil
- 5 causes including filing of papers, swearing of witnesses,
- 6 examining allowing and taxing the bill of costs, and entering
- 7 judgment and recording the same, thirty cents.
- 8 For the trial of an issue eighty cents.
- 9 For a copy of a record or other paper at the rate of twelve
- 10 cents a page.
- 11 For a writ of execution fifteen cents.
- 12 For a recognizance to prosecute an appeal including prin-
- 13 cipal and surety twenty cents.
- 14 For taking a deposition, affidavit, or disclosure of a trustee
- 15 in any cause not pending before himself, twenty cents; for
- 16 writing the same with the caption and for the notification of
- 17 the parties and witnesses at the rate of twelve cents a page;
- 18 the justice who takes such affidavit, deposition, or disclosure,
- 19 shall certify the fees of himself, of the witnesses or party dis-
- 20 closing, and of the officer serving the notifications.
- 21 For taking a deposition in perpetual memory of the thing,
- 22 the same fees as in taking other depositions.
- 23 Administering an oath in all cases, except on a trial or exam-
- 24 ination before himself, and to qualify town or parish officers
- 25 and a certificate thereof twenty cents, whether administered
- 26 to one or more persons at the same time.
- 27 Taking the acknowledgment of a deed with one or more
- 28 seals, if it is done at the same time; and certifying the same
- 29 seventeen cents.
- 30 Granting a warrant of appraisement in any case and swear-
- 31 ing appraisers thirty-two cents.
- 32 For receiving a complaint and issuing a warrant in criminal
- 33 cases fifty cents.
- 34 For entering a complaint in a criminal prosecution, swearing
- 35 witnesses, rendering judgment and recording the same, exam-
- 36 ining allowing and taxing the costs, and filing the papers,
- 37 seventy-five cents.
- 38 Recognizing persons charged with crimes for their appear-
- 39 ance at the supreme judicial court and for certifying and
- 40 returning the same with or without sureties, twenty-five
- 41 cents to be paid by the person so recognizing.
- 42 For a mittimus for the commitment of any person on a crim-
- 43 inal accusation twenty-five cents.
- 44 In case of a bastardy process the fees may be charged as for
- 45 like services in a criminal prosecution.
- 46 Recognizance of debt and recording forty-two cents.

47 Drawing a rule for submission to referees and acknowledg-  
48 ing the same thirty-three cents.

49 Writ to remove a nuisance thirty-three cents.

50 Calling a meeting of any corporation fifty cents.

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

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

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

R. S., c. 151, § 1.

SECT. 3. Except when otherwise expressly provided the  
2 fees of the judge of any municipal or police court, whether  
3 in civil or criminal proceedings, shall be taxed in the same  
4 manner and at the same rate, as the fees of justices of the  
5 peace so far as applicable. When any such judge receives a  
6 stated salary for his services from the treasury of any county,  
7 he shall account under oath to the treasurer of said county  
8 for all fees accruing to him in said capacity towards his sal-  
9 ary including ten cents for the blank writ in every action  
10 entered before him; and if such fees exceed the amount of  
11 his salary for any such quarter, the excess shall be by him  
12 paid over to such treasurer.

Judges of  
municipal and  
police courts.

R. S., c. 151, § 2.  
1842, c. 31, § 2L.

*Fees of the clerks of the judicial courts.*

SECT. 4. For services as clerks of the supreme judicial  
2 courts.

3 For every blank writ of attachment with a summons, or of  
4 scire facias, or an original summons, four cents.

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

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

10 Acknowledging satisfaction of a judgment on the record eight  
11 cents.

12 For copies twelve cents a page.

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

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

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

Clerks of the  
judicial courts,  
S. J. Court, and  
court of county  
commissioners.

1845, c. 148, § 1.

- CHAP. 116. 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 mat-  
 24 ters 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 ten 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 five cents.  
 32 Entering an indictment, presentment, complaint or informa-  
 33 tion, including the recording of the judgment of the court  
 34 thereon, examining and casting the bill of costs, and filing  
 35 the papers, sixty-five cents.  
 36 Each warrant for a criminal twenty cents.  
 37 Examining and casting the grand jurors' accounts and order  
 38 thereon thirty cents.  
 39 In an equity case the court may allow a further sum not  
 40 exceeding ten cents a page in the whole for making up the  
 41 record to be taxed by the clerk.  
 42 A writ of review seventy-five cents.  
 43 A writ of scire facias forty cents.  
 44 Every writ and seal other than before mentioned forty cents.  
 45 Each recognizance including principal and sureties twenty  
 46 cents.  
 47 Recording judgment in every criminal cause forty cents.  
 48 Entering a discharge of a recognizance by proclamation or  
 49 otherwise fifteen cents.  
 50 For services as clerks of the county commissioners:  
 51 For a warrant for a county tax ten cents.  
 52 A warrant to lay out or alter a road ten cents.  
 53 Recording the reports of highways and other matters by  
 54 order of the commissioners and copies of all records or  
 55 papers twelve cents a page.  
 R. S., c. 151, § 3. 56 For the entry of a petition fifty cents.

*Fees of sheriffs and their deputies.*

Fees of sheriffs  
and their  
deputies.

- SECT. 5. For the service of an original summons or scire  
 2 facias either by reading or copy, or for the service of a capias  
 3 or attachment with summons on one defendant twenty-five

4 cents; if served on more than one defendant twenty-five  
5 cents more for each defendant.

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

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

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

1852, c. 232, § 1.

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

26 For the service of subpoena, notice to an adverse party, or  
27 other process in which there is no command to make return  
28 thereof, twenty-five cents; and if by copy at the rate of  
29 twelve cents a page for the copy; also the officer may charge  
30 for his actual necessary travel at the rate of four cents a  
31 mile the usual way to the place of service with all sums  
32 actually paid by him for boat hire and crossing any toll bridge  
33 or ferry in making such service; and any such service on an  
34 adverse party by giving him an attested copy of the notice  
35 in hand shall be valid.

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

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

46 For serving an execution upon a judgment of court for par-  
47 titution of real estate, or assignment of dower, one dollar a

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R. S., c. 13, § 4.

48 day and four cents a mile from the officer's place of abode to  
 49 the place of service. For service of a petition to the legis-  
 50 lature thirty cents and twelve cents for each page of copy,  
 51 and four cents for each mile of travel.

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

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

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

65 When the estate or interest of any person held by a posses-  
 66 sion or improvement is seized and sold on execution, or the  
 67 franchise or other property of a corporation, or the property  
 68 of an individual is sold on execution by a process similar  
 69 thereto and advertising in like manner, the officer shall be  
 70 entitled to the same as in the sale of an equity of redemp-  
 71 tion.

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

79 For the service of a warrant the officer shall be entitled to  
 80 fifty cents, and fifty cents for service of a mittimus to com-  
 81 mit a person to jail or to the house of correction and four  
 82 cents a mile for travel going and returning with reasonable  
 83 expenses incurred in the conveyance of such prisoner.

1855, c. 145.

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

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

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

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

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

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 distributing venires for jurors eight cents each; treas-  
116 urer's warrants twenty-five cents each; for proclamations  
117 of all kinds five cents each.

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

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

126 For every deputy sheriff when ordered to attend said court  
127 one dollar and fifty cents a day from the county treasury.

128 *The sheriff at its opening shall present to the court a list of*  
129 *the officers attending with a statement of the duties of each;*  
130 *and it shall be the duty of the court to determine the num-*  
131 *ber necessary, and to disallow charges for others. (a)*

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(a) New. Suited to lessen the expenses.

CHAP. 116. 132 For services under the provisions of law for the relief of  
 133 poor debtors as follows: taking a debtor before a justice  
 134 or justices for disclosure travel as in service of a writ,  
 135 and attendance twenty-five cents; for a bail or other bond  
 136 twenty-five cents; and for recommitment of a prisoner when  
 137 remanded twenty-five cents; and no dollarage or commis-  
 138 sion shall be allowed to the officer for an arrest or commit-  
 139 ment upon execution or mesne process, except upon so much  
 R. S., c. 151, § 4. 140 money as is actually collected.

*Fees of coroners.*

Coroners, for similar services.

SECT. 6. Coroners shall be entitled to the same fees as  
 2 sheriffs for similar services, except where otherwise ex-  
 3 pressly provided.

R. S., c. 151, § 5.

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

Costs of inquests on dead bodies.

SECT. 7. The fees for taking inquests on dead bodies shall  
 2 be as follows to be certified in the coroners return and paid  
 3 out of the county treasury.

1842, c. 13, § 1.

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

R. S., c. 151 § 6.

9 To the jurymen seventy-five cents each for each day's attend-  
 10 ance and four cents a mile for travel each way.  
 11 To the constable for his travel and attendance and expenses  
 12 in summoning a jury ninety cents a day.

*Fees of constables.*

Fees of constables.

SECT. 8. The fees of constables for the service travel and  
 2 return of each venire shall be one dollar and fifty cents to  
 3 be paid out of the county treasury; and for services which  
 4 may be performed either by a deputy sheriff or a constable  
 5 the constable shall be allowed the same fees as a deputy  
 R. S., c. 151, § 7. 6 sheriff, unless otherwise provided by law.

*Fees of jailers.*

Jailer's, for commitment and discharge, &c.

SECT. 9. The jailer's fees for the commitment or discharge  
 2 of a prisoner shall be twenty cents; and for the entire sup-  
 3 port of each prisoner of every description committed to his  
 4 custody such sum not exceeding at the rate of two dollars  
 5 and twenty-five cents a week, as the county commissioners  
 R. S., c. 33, § 34.  
 c. 151, § 8.  
 1856, c. 254. 6 judge reasonable.

SECT. 10. The jailer in each county shall render on oath to said commissioners at each stated session an account of all expenses for the support of prisoners committed by due process of law for any criminal offense, stating the time when each prisoner was committed, for what offense, how long held, and if his term has expired when discharged, and shall exhibit the warrants of commitment and discharge; and the jailer shall credit all moneys and effects whatever received or to be received of the prisoner or of other persons on his account; and the court, on due examination into the nature of the accounts and the ability of the prisoner to refund any part of such expenses, shall order such accounts to be paid to the jailer as provided in the preceding section from the county treasury, and the same shall be refunded by the state.

Jailers to make return to county commissioners, &c.

R. S., c. 152, § 16,  
1845, c. 131, § 1, 2.  
1856, c. 254, § 2.

*Jurors and witnesses.*

SECT. 11. The grand jurors and the jurors for trials attending at the supreme judicial court shall each be allowed one dollar and fifty cents per day for their attendance and six cents a mile for their travel out and home to be paid out of the county treasury; and jurors attending before a sheriff or on any other occasion prescribed by law shall be allowed a like compensation.

Jurors' fees.

R. S., c. 151 § 10,  
1856, c. 165, § 1.

SECT. 12. There shall be paid to the clerk of the supreme judicial court by the plaintiff or appellant seven dollars for the trial by jury of each civil action for the use of the county to be taxed with his costs, if he prevails, and the clerk shall forthwith pay over the same to the county treasurer.

Duty on jury trials to be paid to the clerk.

R. S., c. 151, § 11.

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

Fees of witnesses.

R. S., c. 151, § 12.

*Allowance to parties and attorneys in civil causes.*

SECT. 14. To parties recovering costs in any court or before a justice of the peace thirty-three cents for each day's attendance and the same for every ten miles travel. No plaintiff shall be allowed for more than three days' attendance, when the defendant is defaulted, unless the defend-

Costs taxed for parties and attorneys, &c.



## CHAP. 116.

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

12 Costs for travel shall be taxed in all cases according to the  
13 distance of the plaintiff or his attorney, who is nearest to the  
14 place of trial; and when the action is in the name of an in-  
15 dorsee, such costs for travel shall be taxed according to the  
16 distance of the attorney, payee, or indorsee, who is nearest  
17 to the place of trial; but no costs for travel shall be allowed  
18 for more than ten miles distance from any justice, municipal  
19 or police court, nor for more than forty miles distance from  
20 any other court, unless the plaintiff recovering costs actually  
21 travels a greater distance, or the adverse party, if he recov-  
22 ers costs, by himself his agent or attorney travels in fact a  
23 greater distance for the special purpose of attending court  
24 in such cause.

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

29 For an issue in law or fact there shall be allowed for an  
30 attorney's fee two dollars and fifty cents in the supreme ju-  
31 dicial court.

R. S., c. 151,  
§ 13.

*Costs taxable for the state in criminal prosecutions.*

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

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

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

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

Costs taxable  
for the state in  
criminal  
prosecutions.

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  
 18 state shall be limited to three dollars; and the costs shall  
 19 not be taxed until the action is finally disposed of.  
 20 No fees shall be allowed to complainants before the grand  
 21 jury against towns for neglecting to make or repair roads;  
 22 nor to any other witnesses in such cases, unless summoned  
 23 by the county attorney or grand jury.

CHAP. 116.

R. S., c. 151,  
 § 14.  
 1843, c. 51, § 1.  
 1844, c. 95, § 2.

*Probate fees.*

SECT. 16. The register shall receive for such copies as are  
 2 taxable by law twelve cents a page. He shall demand no fee  
 3 for taking from the file of his office or transporting to the  
 4 place of the sitting of the probate court such papers as are  
 5 necessary in the settlement of any estate or account in said  
 6 court.

Probate fees.

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

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

R. S., c. 151,  
 § 15.

SECT. 17. When a partition of real estate or assignment  
 2 of dower is made by order of any judge of probate, the ex-  
 3 penses thereof shall be paid by the parties interested in pro-  
 4 portion to their interest; except when such expenses accrue  
 5 prior to the closing of the final account of any executor or  
 6 administrator of the deceased owner of any such real estate  
 7 having in his hands sufficient personal assets for the purpose,  
 8 the judge of probate may order the same to be paid by such  
 9 executor or administrator and allow the same in his account.

Expenses of  
 partition, &c.

- CHAP. 116. 10 An account of said charges shall first be exhibited to said  
11 judge and allowed by him after due notice and hearing of all  
12 parties interested therein.  
13 In case of neglect or refusal of any person liable to pay  
14 such expenses of partition and assignment of dower the  
15 judge of probate may issue a warrant of distress against  
16 such delinquent for the amount due from him and the costs  
17 of the process.

R. S., c. 151,  
§ 16.

*Fees of the secretary of state.*

Fees of the  
secretary of  
state.

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

R. S., c. 151,  
§ 17.

*Fees of the register of deeds.*

Register of  
deeds.

- SECT. 19. For recording a deed or mortgage fifty cents.  
2 For recording the assignment of a mortgage twenty-five  
3 cents.  
4 For recording a levy one dollar and fifty cents; and the  
5 same sum for certified copies of these instruments, as for  
6 recording them. And said registers shall make an alphabet  
7 to each volume of records without charge to the county.  
8 For entering in the margin a discharge of the mortgage to  
9 be signed by the person discharging it twelve cents.  
10 For receiving of an officer a copy of return of attachment  
11 of real estate, minuting on it when it is received, keeping it  
12 on file, and entering it in a book kept for the purpose, ten  
13 cents.  
14 For receiving filing and recording certificate and descrip-  
15 tion of homestead fifty cents. The above fees are to be  
16 paid when the instrument is offered to be recorded.

R. S., c. 151,  
§ 18.  
1853, c. 40, § 1.  
1850, c. 207, § 4.

Fees for solemn-  
ization of  
marriages.

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

R. S., c. 151, § 19.

*Fees of town clerks.*

Fees of town  
clerks.

- SECT. 21. For entering and recording intentions of mar-  
2 riage, giving certificate of same, and recording marriage on  
3 receiving the minister's or justice's certificate thereof, fifty  
4 cents to be paid on issuing the certificate of intention of  
5 marriage. For recording births and deaths eight cents each.  
6 For a certificate of a birth or death ten cents.

R. S., c. 151,  
§ 20.  
1852, c. 282, § 4.

FEES OF INSPECTORS AND THEIR DEPUTIES, WEIGHERS, MEASURERS AND SURVEYORS. CHAP. 116.

*Fish.*

SECT. 22. For each certificate of exportation seventeen  
 2 cents; for inspecting and branding each tierce ten cents,  
 3 each barrel seven cents, each box of smoked herrings or ale-  
 4 wives one cent, exclusive of the labor and expense of cooper-  
 5 ing; all which shall be paid by the seller.

Fees of inspect-  
 ors, weighers,  
 measurers and  
 surveyors, &c.

1845, c. 151, § 1.  
 1848, c. 91, § 6.

*Beef and pork.*

6 For each barrel inspecting and branding twelve and a half  
 7 cents; cutting weighing and packing ten cents; and for  
 8 coopering ten cents. 1849, c. 15.  
1851, c. 212.  
 9 For each half barrel inspecting and branding eight cents;  
 10 cutting weighing and packing seven cents; and for cooper-  
 11 ing seven cents.  
 12 In case the amount to be inspected is less than ten barrels,  
 13 he shall be allowed ten cents a mile for travel to the place  
 14 where it is to be inspected.  
 15 For beef reserved for smoking jerking and other purposes  
 16 six cents for every two hundred pounds.  
 17 For each certificate required by law twenty-five cents; for  
 18 weighing hides and delivering a bill thereof four cents a  
 19 hide to be paid by the purchaser.  
 20 The inspectors shall not be entitled to receive of their depu-  
 21 ties more than at the rate of one-fifth of the fees by them  
 22 received for the above specified services.

*Butter and Lard.*

23 For inspecting branding and weighing each cask, keg or firkin  
 24 seven cents, and for each certificate required by law twenty-  
 25 five cents; the inspector general to receive of his deputies  
 26 no more than one-fifth part of the fees paid them for the  
 27 above services.

*Hops.*

28 For inspecting marking weighing and delivering an attested  
 29 schedule of the same at the rate of ten cents for every hundred  
 30 pounds to be paid by the purchaser; exclusive of the charges  
 31 of re-packing and mending the bales when necessary, which  
 32 shall be paid by the vender; and also exclusive of storage  
 33 if stored by the inspector more than thirty days after inspec-  
 34 tion, but including storage if for less than that time.

CHAP. 116. 35 For a general certificate to the collector on shipping the  
36 same twenty-five cents to be paid by the shipper. The in-  
37 spector to receive one-fifth part only of the fees taken by  
38 his deputies.

*Tobacco.*

39 For every cask inspected and proved twenty cents, if the  
40 number does not exceed four; and twelve cents for each cask  
41 exceeding that number, exclusive of cooperage, to be paid by  
42 the shipper.

*Onions.*

43 Ten cents for every hundred bunches weighed and certified,  
44 if not exceeding five hundred bunches, and five cents a hun-  
45 dred for a greater quantity, to be paid by the purchaser.

*Pot and Pearl Ashes.*

46 For inspecting and assorting seven cents per hundred pounds;  
47 for coopering and nailing each cask and putting the same in  
48 shipping order eight cents to be paid by the purchaser.  
49 The inspectors shall not receive from their deputies more  
50 than seven and a half per cent. on the fees for inspecting,  
51 nor any part of the sum allowed for coopering.

*Lime.*

52 For each cask inspected and branded one mill; and two  
53 dollars and fifty cents for each day employed in inspecting;  
54 and in that proportion for any part of a day.  
55 Each inspector shall receive from his deputy only one mill  
56 for each cask inspected and branded by the deputy.

*Lumber.*

57 To the surveyors of boards plank timber and joist for view-  
58 ing only six cents per thousand feet; for measuring and  
59 marking the same six cents more; and in that proportion  
60 for any part of a thousand to be paid by the buyer.  
61 To the surveyors of shingles and clapboards to be paid by  
62 the buyer for surveying and telling six cents per thousand.  
63 To the viewers and cullers of staves and hoops for barrel  
64 staves twenty-five cents per thousand, and for hogshead and  
65 butt staves thirty-three cents per thousand, as well refuse as  
66 merchantable; the merchantable to be paid for by the buyer,  
67 the refuse by the seller; and the culler of hoops shall be  
68 allowed forty cents per thousand.

*Mill logs.*

69 To the surveyors at the rates of four cents per thousand  
 70 feet board measure for viewing and inspecting; and two  
 71 cents per thousand in addition for measuring and marking  
 72 the quantity and quality of the logs and making out and de-  
 73 livering certificates of the same to be paid by the pur-  
 74 chaser.

*Firewood and bark.*

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

*Weights and measures.*

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

*Fire arms.*

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

R. S., c. 151,  
 § 21.

*General provisions.*

SECT. 23. The inspectors of the kinds of merchandise com-  
 2 missioned by the governor, when they see cause, may require  
 3 their deputies to render to them under oath a true account  
 4 of the official services performed by them.

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

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

What constitutes  
 a written page,  
 &c.

R. S., c. 151,  
 § 23.

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

Fees not  
 expressly  
 provided for.  
 R. S., c. 151,  
 § 25.

SECT. 26. Every officer whose fees are regulated by law  
 2 shall constantly keep a printed or legibly written list and

Fee tables to be  
 exposed to view  
 in offices.

## CHAP. 116.

R. S., c. 151,  
§ 26.

Fees for entering  
appeal to be  
taxed and paid  
as other fees.

1856, c. 199.

3 description of such fees exposed to public view in his stated  
4 place of business, if he has any.

SECT. 27. No justice of the peace or officer of any municipal  
2 or police court shall at the time receive any fees for enter-  
3 ing an appeal or taking a recognizance to prosecute it in a  
4 criminal case. The legal fees therefor may be taxed in the  
5 bill of costs and certified and paid as other fees are.

*Penal provisions.*

Account of  
items, in  
writing, &c.

R. S., c. 151,  
§ 27.

Penalty for  
overcharging  
costs on justice  
writs, &c.

R. S., c. 151,  
§ 28.

SECT. 28. Every officer or other person upon receiving any  
2 fees herein stated, if required by the person paying the same,  
3 shall make a particular account thereof in writing specifying  
4 for what they accrued, or he shall forfeit to the one paying  
5 such fees treble the sum paid to be recovered in an action of  
6 debt.

SECT. 29. If any attorney at law or other person demands  
2 or takes for a writ of attachment with a summons, or for an  
3 original summons with the declaration returnable before a  
4 justice of the peace, judge or recorder of a municipal or po-  
5 lice court, more than fifty-seven cents for the defendant, or  
6 in the taxation of costs such justice judge or recorder taxes  
7 or allows more than that sum for the same, he shall forfeit  
8 to the defendant not less than five nor more than ten dollars  
9 to be recovered in an action of debt.