

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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CHAPTER 126.

The Regulation of Fees and Costs.

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Fees of Trial Justices, Justices of the Peace, and Judges of Municipal and Police Courts.

Sec. 1. Fees of trial justices and justices of the peace. R. S. c. 118, § 2. 1921, c. 125. 1923, c. 22. The fees of trial justices and justices of the peace shall be as follows:

For every blank writ of attachment and summons thereon, or original summons, ten cents.

For every subpoena for one or more witnesses, ten cents.

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

Trial of an issue, in a civil action, three dollars, and when more than one day is used in the trial, two dollars for each day, after the first, actually employed.

79 Me. 166.

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

Writ of execution, fifteen cents.

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

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

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

Administering an oath in all cases, except on a trial or examination before

himself, and to qualify town and parish officers, and a certificate thereof, twenty-five cents, whether administered to one or more persons at the same time.

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

Granting a warrant of appraisal in any case, and swearing appraisers, fifty cents.

Receiving a complaint, and issuing a warrant in criminal cases, one dollar.

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

Trial of an issue in a criminal case, three dollars; and when more than one day is used in the trial, two dollars for each day after the first actually employed.

Recognizing persons charged with crimes for their appearance at the superior court, and for certifying and returning the same, with or without sureties, twenty-five cents.

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

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

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

Writ to remove a nuisance, thirty-three cents.

Calling a meeting of a corporation, fifty cents.

For an examination of a debtor under chapter one hundred twenty-four, two dollars for each day employed in such examination, in full payment for all official services and expenses in such examination, exclusive of travel. For travel on official duty, twelve cents a mile one way; but not to be taxed for over ten miles one way, and in no case shall there be constructive travel.

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

Sec. 2. Fees of judge of police or municipal court. R. S. c. 118, § 3. Except when otherwise expressly provided by a fixed salary, the fees of the judge of any municipal or police court, in civil proceedings, shall be the same as provided by law, and criminal proceedings shall be taxed in the same manner and at the same rate as the fees of trial justices, so far as applicable. When such judge receives a stated salary for his services from the treasury of a county, he shall account under oath to the treasurer thereof for all fees accruing to him in said capacity, towards his salary, including ten cents for the blank writ in every action entered before him; and if such fees exceed the amount of his salary for such quarter, the excess shall be by him paid over to such treasurer.

See c. 144, § 1.

Fees of the Clerks of the Judicial Courts.

Sec. 3. Clerks of the courts. R. S. c. 118, § 4. The fees of clerks of the judicial courts shall be as follows:

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

Blank writs of replevin with the seal, signature and blank bond, eight cents.

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

Copies, twelve cents a page.

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

Recording petition and proceedings for release of attachment, and making copy and certificate, two dollars.

Making certificate of dissolution of attachment by judgment for defendant, twenty-five cents.

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

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

Making certificate of approval by judge, of sale of real estate and price, when husband or wife refuses to release interest and right by descent, fifty cents.

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

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

Writ of possession in real actions, twenty-five cents.

Writ of protection or habeas corpus, twenty-five cents.

Subpoena for one witness or more, or with a duces tecum, ten cents.

Recording certificate of discharge of a soldier or seaman from the army or navy of the United States, twenty-five cents, and for a copy of such record, twenty-five cents.

Recording certificate of registration in optometry, or veterinary surgery, fifty cents.

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

For each certificate, or copy of judgment or decree, in equity, twenty-five cents, which, together with the fees of the register of deeds for recording such certificate or copy, may be taxed in the costs of suit.

See § 17.

Writ of review, seventy-five cents.

Writ of scire facias, forty cents.

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

Fees of Sheriffs and Their Deputies.

Sec. 4. Sheriffs and their deputies. R. S. c. 118, § 5. 1919, cc. 222, 244. 1921, c. 205. 1923, c. 112. 1925, c. 85. 1927, cc. 107, 108. 1929, c. 187. For the service of an original summons or scire facias, either by reading or copy, or for the service of a capias or attachment with summons on one defendant, seventy-five cents; if served on more than one defendant, seventy-five cents more for each.

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

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

If real estate is attached, the officer may charge twenty-five cents for leaving with the register of deeds an attested copy of his return and other particulars, as required by law, and instead of travel, legal postage; and the usual rate of

travel from the residence of such officer to the nearest post-office; and he shall pay the register ten cents, and tax the same with his own fees.

For a bail-bond and writing the same, including principal and sureties, to be paid by the person admitted to bail, and taxed for him, if he prevails, one dollar.

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

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

17 Me. 433.

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

For serving an execution upon a judgment of court for partition of real estate, or assignment of dower, one dollar a day and ten cents a mile from the officer's place of abode to the place of service. For service of a petition to the legislature, fifty cents, and twenty cents for each page of copy, with usual travel.

For causing appraisers to be sworn, and making return of levying on real estate, one dollar.

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

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

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

The fees of the register of deeds for recording a levy upon real estate, or the deed of the officer for the sale of real estate on execution, and all sums paid by the officer for internal revenue stamps to be affixed to such deeds, shall be taxed by the officer in his return; and every officer, making levy on real estate by appraisal, shall cause the execution and his return thereon to be recorded by the register of deeds for the district where the land lies, within three months after such levy.

For the service of a warrant, the officer is entitled to one dollar, and one dollar for service of a mittimus to commit a person to jail or to the house of correction, and usual travel, with reasonable expenses incurred in the conveyance of such prisoner.

87 Me. 294.

For each aid, necessarily employed in criminal cases, including expenses, two

dollars a day, and in that proportion for a longer or shorter time, and ten cents a mile for travel in going out and returning home.

For the service of a subpoena in criminal cases, one dollar; unless in special cases, when the court may increase the fees to what it judges reasonable.

For attending court, and keeping the prisoner in criminal cases, one dollar and fifty cents for every twelve hours, and in that proportion for a greater or less time.

For travel actually performed for the service of a writ, warrant, execution, or other process, ten cents a mile each way, from the officer's residence to the place of the service of the precept, by the usually traveled route, with all reasonable sums actually paid for boat hire, ferriage, and for crossing any toll-bridge, and postage for returning the process by mail to the court to which it is returnable. Only one travel shall be allowed for any one precept, and no constructive travel; but if the same is served on more than one person, the travel may be computed from the place of service most remote from the place of return, with all further necessary travel in serving such precept.

69 Me. 597.

No charge of such officer for service, travel, or expenses paid, shall be allowed, unless the items thereof are expressly stated, and the amount of each, and no fees for constructive travel shall be allowed him for the service of a subpoena, notice to an adverse party, or other process in which there is no command to make return.

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

Every deputy sheriff and court messenger while in attendance upon the supreme judicial court or the superior court in their several counties shall receive for said attendance and service five dollars a day; and the sheriff, at its opening, shall present to the court, a list of the officers attending, with the statement of the duties of each; and the court shall determine the number necessary, and disallow charges for others.

Every deputy sheriff, while performing special duties under order of the sheriff shall receive for such services five dollars a day, together with necessary, incidental expenses, to be paid from the county treasury, the bills for which shall be audited as provided in section one of chapter one hundred forty-eight. Provided, however, that such officers shall not be entitled to fees for any services rendered in criminal matters while acting as per diem officers.

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

or secured to him, for which he shall account to the creditor as for money collected on execution.

15 Me. 469; 71 Me. 414; 103 Me. 132; *111 Me. 35.

For serving bills in equity or the subpoena issued thereon, divorce libels, notices of foreclosure of mortgages of real estate, subpoena and application for debtor to disclose before a commissioner, or copies of writs of entry served upon tenants in possession of demanded premises when defendant is not in possession, the sheriff or his deputy shall receive the sum of one dollar and twenty-five cents when such service is made in hand, and seventy-five cents when service is made by leaving at the last and usual place of abode copy of such of the above as are not required by law to be served in hand, in addition to his travel, and for the copy, when required to be attested by him, at the rate hereinbefore provided, and in all cases, the officer making service shall make a return of his service on the bill or subpoena, libel, notice of foreclosure, citation or other precept, without charge or fee for so doing.

For any of the above enumerated services in civil cases which a constable may legally perform he shall receive the same fees as are provided above for deputy sheriffs.

Fees of Constables.

Sec. 5. Constables' fees. R. S. c. 118, § 7. The fees of constables for the service and return of each venire, one dollar and fifty cents, and for actual travel six cents a mile each way in posting and delivering the notices mentioned in section nine of chapter one hundred twenty; and in notifying the juror or jurors drawn as provided in section fourteen of said chapter, to be paid out of the county treasury; and for services which may be performed either by a deputy sheriff or a constable, the constable is allowed the same fees as a deputy sheriff, unless otherwise provided.

20 Me. 481.

Jurors and Witnesses.

Sec. 6. Fees of jurors. R. S. c. 118, § 8. 1921, c. 36. 1927, c. 163. Grand and traverse jurors, attending the superior court, and jurors attending on any other occasion prescribed by law, shall be allowed five dollars a day for their attendance, and six cents a mile for their travel out and home, to be paid out of the county treasury.

56 Me. 307; 69 Me. 597.

Sec. 7. Fees of witnesses. R. S. c. 118, § 9. 1919, c. 3. 1927, c. 165. Witnesses in the supreme judicial court or the superior court or in the probate courts and before a trial justice or a municipal court, shall receive two dollars, and before referees, auditors, or commissioners specially appointed to take testimony, or special commissioners on disputed claims appointed by probate courts, one dollar and fifty cents, or before the county commissioners one dollar, for each day's attendance and six cents a mile for each mile's travel going and returning home; but the court in its discretion, may allow at the trial of any cause, civil or criminal, in said supreme judicial court or the superior court, a sum not exceeding twenty-five dollars per day for the attendance of any expert witness or witnesses at said trial, in taxing the costs of the prevailing party; but such party or his attorney of record, shall first file an affidavit, during the term at which such trial is held, and before the cause is settled, stating the name, residence, number of days in attendance, and the actual amount paid or

to be paid each expert witness, in attendance at such trial. And no more than two dollars per day shall be allowed or taxed by the clerk of courts, in the costs of any suit, for the per diem attendance of a witness, unless the affidavit herein provided, is filed, and the per diem is determined and allowed by the presiding justice.

107 Me. 288.

Allowance to Parties and Attorneys in Civil Causes.

Sec. 8. Costs to be taxed for parties and attorneys. R. S. c. 118, § 10. 1923, c. 122. Costs allowed to parties and attorneys in civil actions shall be as follows: to parties recovering costs before a trial justice, thirty-three cents for each day's attendance, and the same for every ten miles' travel; to parties recovering costs in the supreme judicial or superior courts, thirty-three cents for every ten miles' travel, and three dollars and fifty cents for attendance at each term until the action is disposed of, unless the court otherwise directs.

54 Me. 398; 55 Me. 598; 56 Me. 306; 107 Me. 157.

Costs for travel shall be taxed for the prevailing party in civil suits, according to the distance of said party or his attorney who resides nearest to the place of trial, unless said prevailing party or his attorney who resides farthest from said place of trial actually travels the greater distance for the special purpose of attending court in such cause, in which case costs shall be taxed for the last named distance, and when the action is in the name of an indorsee, and the plaintiff is the prevailing party, such costs for travel shall be taxed according to the distance of the attorney, payee or indorsee, who is nearest to the place of trial, unless the attorney, payee or indorsee, residing the greater distance from said place of trial, actually travels such greater distance for the special purpose of attending court in said cause. But no costs for travel shall be allowed for more than ten miles' distance from any justice, municipal or police court, nor for more than forty miles' distance from any other court, unless the plaintiff prevailing actually travels a greater distance, or the adverse party, if he recovers costs, by himself, his agent or attorney, in fact travels a greater distance for the special purpose of attending court in such cause.

For a power of attorney, fifty cents; and for the plaintiff's declaration, fifty cents in the superior court, but no fee for a power shall be taxed before any municipal or police court or trial justice, unless otherwise specially provided in the act establishing such court. For an issue in law or fact, there shall be allowed for an attorney's fee, two dollars and fifty cents in the supreme judicial or superior courts. A fee of five dollars shall be taxed in the plaintiff's costs for making up a conditional judgment under section ten of chapter one hundred four.

In cases of forcible entry and detainer, parties shall be allowed the same costs as in ordinary civil actions.

A party summoned as trustee and required to attend court and make a disclosure, shall be entitled to costs as follows: if the claim sued for does not exceed twenty dollars, such trustee shall be entitled to travel and attendance and twenty-five cents for the oath; and if the claim sued for exceeds twenty dollars, such trustee shall be entitled to two dollars and fifty cents in addition to the above fee, and when required to attend court for further examination such trustee shall be entitled to travel and attendance.

In all municipal and police courts the amount of costs allowed in civil actions shall depend upon the amount recovered and not upon the ad damnum in the writ; and the allowance for travel and attendance to parties recovering costs

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in municipal and police courts, or before any trial justice shall be limited to three terms, except that the court may, for good and sufficient cause, order such allowance for additional terms.

No costs shall accrue, be taxed, or allowed, for any precept required in legal proceedings, whether in law or equity, unless the same shall issue from and bear the indorsement of an attorney at law.

The allowance for travel and attendance to parties recovering costs in the superior court shall be limited to two terms and every other term at which a trial is had except in addition thereto in case a demurrer, plea in abatement, or motion to dismiss is filed by the defendant, the prevailing party in such three last named proceedings shall be allowed travel and attendance in such action for not exceeding two additional terms. The court may for good and sufficient cause order such allowance for additional terms in all actions before it. No referee shall allow costs in any proceedings in excess of the above provisions.

Costs Taxable for the State in Criminal Prosecutions.

Sec. 9. Costs taxable for the state in criminal prosecutions. R. S. c. 118, § 11. Costs taxable for the state in criminal prosecutions shall be as follows: For the attorney acting for the state, in all cases in the superior court, one dollar and twenty-five cents, unless there is a trial by jury, or an issue in law at the law court, in which case there shall be an additional charge of one dollar.

For an indictment in the superior court, one dollar and twenty-five cents.

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

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

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

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

Sec. 10. Costs and expenses, how to be audited. R. S. c. 118, § 12. The established forms and mode of proceedings in criminal prosecutions shall not be changed, and the costs and expenses thereof shall be examined and audited like other county expenses, but the superior court shall continue to allow such bills of costs.

See c. 148, § 1.

Fees Payable to State Officers.

Sec. 11. Secretary of state. R. S. c. 118, § 13. 1923, c. 88, § 33. The secretary of state shall receive:

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

For filing and recording a certificate of trade-mark, three dollars; for recording assignment of trade-mark rights, one dollar; for the certificate of the record of a label, trade-mark, device, or form of advertisement adopted by any association or union of workmen, two dollars.

For recording notice of a change in the charter or certificate of organization of a corporation, five dollars in advance.

For receiving, filing and recording copy of certificate of organization of a corporation organized under chapter fifty-six, and for filing certificate of increase of capital stock under section forty-nine of said chapter, five dollars, in advance.

For receiving, filing and recording certificate of officers of a proposed insurance company, and issuing certificate of organization, twenty dollars; for receiving and filing certificate of increase of capital stock of an insurance company, ten dollars.

For receiving, filing and recording certificate of officers of a proposed fraternal beneficiary association, and issuing certificate of organization, five dollars.

For recording contract of conditional sale of railroad equipment, or written declaration of satisfaction of same, five dollars; and for noting declaration of the satisfaction of such contract on the margin of the record, one dollar.

For filing power of attorney of a foreign corporation, under section one hundred six of chapter fifty-six, ten dollars; for filing instrument revoking such power of attorney, five dollars; for filing copy of charter and by-laws, under section one hundred seven of said chapter, ten dollars additional; for filing certificate of increase or reduction of stock of a foreign corporation, ten dollars.

For filing certificate of organization of a cooperative marketing association, ten dollars; for filing an amendment thereto, two dollars and fifty cents.

Sec. 12. Fees payable by public officers to secretary of state. R. S. c. 116, § 1. 1921, c. 2, § 1. A fee of five dollars shall be paid to the secretary of state by any person appointed to the office of justice of the peace, trial justice, notary public, inspector of fish, assayer of ores and metals, commissioner to take depositions and disclosures, disclosure commissioner, commissioner appointed under section twenty-four of chapter eighty-seven, and by any woman appointed to administer oaths and take acknowledgments of deeds, before he or she enters upon the discharge of his or her official duties.

Sec. 13. Treasurer of state. R. S. c. 118, § 14. The treasurer of state shall receive:

For each certificate of securities deposited by a domestic insurance company under sections seventy-four and seventy-nine of chapter sixty, five dollars; and for each certificate granted by him upon change of such securities, five dollars.

For services required of him in case of proceedings under section eighty-two of chapter sixty, two per cent of the amount received and disbursed by him.

Sec. 14. Attorney-general. R. S. c. 118, § 15. The attorney-general shall receive:

For approval of certificate of organization of a corporation under chapter fifty-six, five dollars, in advance.

For certificate that any corporation has ceased to transact business, and is excused from filing annual returns, five dollars.

For certificate that tangible property of corporation does not exceed one thousand dollars, five dollars.

Sec. 15. Bank commissioner. R. S. c. 118, § 16. 1919, c. 130. The bank commissioner shall receive:

For a certificate of authorization of a loan and building association, five dollars.

For each license authorizing a foreign banking corporation to conduct its business in this state, and each renewal thereof, twenty dollars.

For receiving service of process against such corporation, or against a foreign corporation acting as trustee of a mortgage given by a domestic corporation, two dollars, which shall be paid by the plaintiff at the time of such service, and shall be recovered by him as a part of his taxable costs, if he prevails in the suit.

For granting license to foreign corporations selling securities on the partial payment or instalment plan, and for each renewal thereof, twenty dollars.

For registration, or renewal of registration, of dealers in securities, twenty-five dollars, which shall be returned if application is not granted.

For certified copies of dealer's certificate, fifty cents each.

For registration, or renewal of registration, of salesman or agent of dealer in securities, ten dollars each.

Sec. 16. The insurance commissioner. R. S. c. 118, § 17. 1927, c. 166. The insurance commissioner shall receive:

For each certificate of qualification of a domestic insurance company to act under its charter, and for each annual renewal thereof, twenty dollars, and all traveling expenses; provided that domestic mutual fire insurance companies shall be required to pay only the actual expenses incurred by the commissioner in making the examination required by law.

For each license issued to a foreign insurance company, or foreign surety company, or credit insurance or title insurance company, or to a foreign fraternal beneficiary association, authorizing such company or association to do business in this state, and for each renewal thereof, twenty dollars.

For each license issued to citizens of this state authorizing them to procure policies of fire insurance in foreign insurance companies not authorized to transact business in this state, twenty dollars, payable annually.

For each license issued to an insurance broker, twenty-five dollars.

For each license issued to a firm or corporation to act as insurance brokers, twenty-five dollars for each person named in the license.

For each license issued to an agent of any insurance company except a domestic mutual fire insurance company, or to an agent of any fraternal beneficiary association, foreign surety company, credit insurance or title insurance company and each renewal thereof, two dollars.

For each license issued to a firm or corporation to act as insurance agents, and each renewal thereof, two dollars for each person named in the license.

For each license issued to an adjuster of losses by fire, two dollars.

For each license issued to a manufacturer of lightning-rods, twenty dollars; for each license issued to an agent of such manufacturer, two dollars.

For approving organization of fraternal beneficiary association, five dollars.

For receiving service of process against any foreign insurance company, foreign surety, credit insurance or title insurance company or foreign fraternal beneficiary association, or against persons making reciprocal contracts of indemnity, two dollars, which shall be paid by the plaintiff at the time of such service; and shall be recovered by him as a part of the taxable costs, if he prevails in the suit.

For investigating insurance frauds, ten dollars a day, and his expenses, together with the fees of witnesses, to be taxed as in the supreme judicial court, which shall be paid by the company requesting the investigation, to the commissioner or magistrate appointed by him.

For certificate of authority to make reciprocal contracts of indemnity under sections ninety-five to one hundred two, both inclusive, of chapter sixty, and every renewal thereof, twenty dollars.

Fees Payable to Registers of Deeds.

Sec. 17. Deeds. R. S. c. 118, § 18. 1917, c. 85. 1925, c. 151, c. 213, § 10.
Registers of deeds shall receive: for,—

Recording a deed, mortgage or lease or description of a family burying-ground, seventy-five cents.

Recording the assignment or release of a mortgage or certificate of discharge of an attachment, fifty cents.

Recording a levy, one dollar and fifty cents, and the same sum for certified copies of these instruments as for recording them.

Entering in the margin of a record a discharge of the mortgage or attachment to be signed by the person discharging it, twenty-five cents.

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

Receiving of an officer a copy of return of attachment of personal property in an unincorporated place, noting thereon the time when it is received, entering it in a suitable book and keeping it on file, twenty-five cents.

Examining and certifying a copy of a plan, fifty cents, in addition to the amount paid for making the record, and a like sum for furnishing copies from the record.

Recording certificates of limited partnership, fifty cents.

Receiving and filing certificate of election of clerk of a corporation, or resignation of such clerk, fifty cents.

Recording certificates of foreclosure of mortgages, or notices of foreclosure, one dollar.

Recording a certificate, or copy of a judgment or decree in equity, fifty cents. A suitable book, with an index thereto, shall be provided wherein such certificates and copies shall be recorded.

Receiving, filing and recording certificates of breeding stallions, fifty cents for each certificate of not more than one page, and twenty-five cents for each additional page.

Filing and indexing copy of process against a domestic corporation, twenty cents, to be paid by the officer serving it.

Receiving, filing and recording certificate and description of homestead, fifty cents.

Recording copy of petition for release of attachment, and certificate that bond has been filed, seventy-five cents.

Recording certificate of approval of sale of real estate and price, when husband or wife refuses to release interest and right by descent, twenty-five cents.

Recording certificates of organization of corporations and copies thereof for filing with the secretary of state, five dollars.

Recording certificates of incorporation for corporations without capital stock, one dollar.

Filing and recording original or authenticated copy of cooperative marketing agreement, fifty cents.

Filing and recording affidavit of cooperative marketing association, fifty cents plus one additional cent for each member listed therein.

Certifying the record or copy of plan showing allotment of lands in any city or town, fifty cents, to be paid by the city or town presenting such plan for record. The city or town shall also pay the cost of copying or transcribing the plan on the record.

Recording a bond for a deed, or copy or abstract of will, one dollar.

Recording approval of bond or certificate of adjudication in bankruptcy, twenty-five cents.

In all cases where books with printed forms are not furnished therefor, registers of deeds shall receive for receiving, filing, and recording any instrument by law entitled to record, the sum of one dollar for the first five hundred words, and the sum of twenty cents for each hundred words or fraction thereof in excess of five hundred words.

The above fees shall be paid when the instrument is offered for record.

Fees for Solemnization of Marriages.

Sec. 18. Fees for solemnization of marriages. R. S. c. 118, § 19. For solemnizing a marriage and certifying the same, the fee shall be one dollar and twenty-five cents.

Fees of Town Clerks.

Sec. 19. Town clerks. R. S. c. 118, § 20. 1917, c. 13. 1921, c. 126. 1925, c. 160. 1927, c. 213, §§ 2, 3. Clerks of cities and towns shall receive:

For recording mortgages of personal property and notices of foreclosure of same and description of family burying-ground, seventy-five cents.

For recording assignments of wages, certificates of discharge of attachments and notices of finding lost money, goods or stray beasts, fifty cents.

For receiving from an officer a copy of return of attachment of personal property, noting thereon the time it is received, entering it in a suitable book and keeping it on file, twenty-five cents.

For filing copy of petition for release of attachment and certificate, and making necessary certificate thereon, twenty-five cents.

For entering and recording intentions of marriage, giving certificate of same, one dollar.

For recording sheep marks, twenty-five cents.

For recording certificates of partners, withdrawal of a partner, and of persons engaging in trade under a name, style or designation other than his own, fifty cents.

For a certificate of birth, marriage or death, twenty-five cents; for affixing an official seal when necessary, twenty-five cents more.

For receiving, recording and returning the facts required by chapter seventy-two to be recorded, twenty-five cents for each birth, marriage, or death, to be paid by the city or town.

For every birth, marriage or death collected and recorded under section thirty-five of chapter seventy-two, twenty-five cents, to be paid by the city or town.

For each oath recorded by him, twenty cents, to be paid by the city or town.

For receiving and recording affidavit correcting record of birth, marriage, or death, and forwarding copy under section thirty-four of chapter seventy-two, fifty cents, to be paid by the city or town.

For each record transcribed, certified, and transmitted to the registrar of vital statistics, as required by sections thirty-eight and thirty-nine of chapter seventy-two, not exceeding five cents as may be agreed upon between the clerk and the municipal officers.

For reporting to treasurer of state, names of persons dying and names of next of kin, twenty-five cents, to be paid by the state.

For recording license for cultivation of clams and any assignment thereof, fifty cents.

For recording petition for enforcement of lien on monumental works, fifty cents.

In all cases where books with printed forms are not furnished therefor, the clerk shall receive for receiving and recording any instrument by law entitled to be recorded, the sum of one dollar for the first five hundred words, and the sum of twenty-five cents for each hundred words or fraction thereof in excess of five hundred words; provided, however, if the instrument to be recorded does not exceed in length two hundred and fifty words, the fee for recording the same shall be fifty cents.

For preparing and issuing burial permits, undertakers' vouchers and memoranda necessary for the office, and for filing such memoranda, twenty-five cents, to be paid on issuing the burial permit.

The above fees shall be paid when the instrument is offered for record.

Fees of Surveyors, Measurers, and Sealers.

Sec. 20. Surveyors of lumber. R. S. c. 118, § 21. Surveyors of boards, plank, timber, and joist shall receive, for viewing only, six cents a thousand feet; for measuring and marking the same, six cents more; and in that proportion for any part of a thousand, to be paid by the buyer.

Surveyors of shingles and clapboards shall receive, for surveying and telling, six cents a thousand to be paid by the buyer.

Viewers and cullers of staves and hoops shall receive, for barrel staves, twenty-five cents a thousand, and for hogshead and butt staves, thirty-three cents a thousand, whether refuse or merchantable; the merchantable to be paid for by the buyer, the refuse by the seller; and the culler of hoops shall be allowed forty cents a thousand.

Surveyors shall receive at the rate of four cents a thousand feet board measure for viewing and inspecting mill logs, and two cents a thousand, in addition for measuring and marking the quantity and quality of the logs, and making out and delivering certificates of the same, to be paid by the buyer.

Sec. 21. Measurers of wood and bark. R. S. c. 118, § 22. Measurers of firewood and bark shall receive such fees for their services as the municipal officers of the town appoint, to be paid by the driver, and repaid by the buyer when brought by land, and by the wharfinger when brought by water.

Sec. 22. Sealers of weights and measures. R. S. c. 118, § 23. 1929, c. 274. The fees of sealers of weights and measures, for testing and adjusting scales, weights and measures by the town standard, to be paid by the persons for whom the service is rendered, are as follows: for testing railroad track scales of forty thousand pounds capacity and upwards, four dollars; elevator scales of twenty thousand pounds capacity and upwards, one dollar and fifty cents; platform scales of five thousand pounds capacity and upwards, one dollar; dormant scales of less than five thousand pounds capacity, fifty cents; dormant beef track scales, fifty cents; platform scales of less than five thousand pounds capacity, fifty cents; beam scales of over one thousand pounds capacity, fifty cents; platform scales of less than one thousand pounds capacity, twenty-five cents; platform counter scales, twenty-five cents; counter balance or trip scales, twenty-five cents; spring balance scales, twenty-five cents; weights, each, three cents; measures, wet and dry, each three cents; yardsticks, each, five cents; coal baskets, each, ten cents; milk cans, large size, five cents each; milk cans,

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small size, three cents each; milk bottles, in lots of one gross or less, one cent each, in lots from one to two gross, three-fourths of a cent each, in lots of more than two gross and not over four gross, one-half cent each, in lots greater than four gross, one-fourth of a cent each; for testing gasoline pumps of not over five gallon capacity, fifty cents; for testing gasoline pumps of not over ten gallon capacity, one dollar; for testing gasoline pumps of more than ten gallon capacity, one dollar and fifty cents; for taxicab meters, one dollar; for gasoline meters, fifty cents; for fabric measuring devices, twenty-five cents; for vehicle tanks, one dollar for first hundred gallons, and one dollar for each additional one hundred gallons; for adjusting weights when either light or heavy, not to exceed ten cents each; for adjusting measures, wet or dry, when either large or small, not to exceed ten cents each; for adjusting yard sticks, not to exceed five cents each; for sealing gas, electric and water meters, not to exceed fifty cents each; for adjusting any weight or measure not mentioned above, a fair and reasonable compensation.

General Provisions.

Sec. 23. Number of words to a written page. R. S. c. 118, § 24. Two hundred and forty words constitute a written "page," if the writing contains that number, and where no other rule is provided, public officers shall be allowed for copies which they are required by law to furnish, twelve cents a page; for affixing an official seal to the same, when necessary, twenty-five cents more.

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Sec. 24. Fees not provided for. R. S. c. 118, § 25. In cases not expressly provided for, the fees of all public officers, for any official service, shall be at the same rate as are prescribed in this chapter for like services.

Sec. 25. Fees for entering appeal. R. S. c. 118, § 26. No trial justice, or judge, or other officer of any municipal or police court, shall demand or receive any fees for entering an appeal or taking a recognizance to prosecute it, in a criminal case. The legal fees therefor may be taxed in the bill of costs, and certified and paid like other fees.

Sec. 26. Account of items in writing may be required. R. S. c. 118, § 27. Every officer or other person upon receiving any fees herein stated, if required by the person paying them, shall make a particular account thereof, in writing; specifying for what they accrued, or he forfeits to such person treble the sum paid, to be recovered in an action of debt.

Sec. 27. Penalty for overcharging costs. R. S. c. 118, § 28. If any attorney at law or other person demands or takes for a writ of attachment with a summons, or for an original summons with the declaration, returnable before a trial justice, judge, or recorder of a municipal or police court, more than one dollar and fifty-seven cents from the defendant; or, in the taxation of costs, such justice, judge, or recorder, taxes or allows more than that sum for the same, he forfeits to the defendant not less than five dollars, nor more than ten dollars, to be recovered in an action of debt, but nothing herein contained shall be so construed as to reduce the fees of municipal courts otherwise established by law.