

TITLE XIV.  
FEEES AND COSTS.

- Chap. 1....OF COSTS.  
 " 2....FEEES AND COSTS IN CRIMINAL CASES.  
 " 3....FEEES.

CHAPTER I.

OF COSTS.

- |   |                                       |
|---|---------------------------------------|
| 1. When plaintiff shall recover.        | 10. On demurrer or writ of error.     |
| 2. When to pay, unless ex'r or adm'r.   | 11. Plaintiff in error, when liable.  |
| 3. When avowant, etc., to recover.      | 12. When double costs allowed.        |
| 4. When not recovered in supreme court. | 13. Writ of error quashed.            |
| 5. Costs, when title in question.       | 14. Capias pro fine abolished.        |
| 6. When suit removed by habeas corpus.  | 15. Costs on dismissing bill.         |
| 7. When but one bill allowed.           | 16. State may recover.                |
| 8. On scire facias, costs.              | 17. But not liable to.                |
| 9. One of several defendants may have.  | 18. Not to extend to certain actions. |

An Act concerning costs.

REV. 168,309.  
657, 666.

Revision....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall commence or sue in any court of record within this state, any action, bill or plaint of debt, covenant, trespass upon the case, detinue, account or upon any statute for any offence or wrong personal, immediately supposed to be done to the plaintiff, trespass, ejection or any other action whatsoever, real, personal or mixed, and the plaintiff or demandant shall, by verdict or otherwise, recover damages in any such action, bill or plaint, then the plaintiff or demandant in every such action, bill or plaint shall have judgment to recover his costs against every such defendant, to be assessed and taxed in the manner prescribed by law, which shall be levied and recovered, together with the debt or damages aforesaid, against the body, or goods and chattels, lands and tenements of the defendant; *provided*, When plaintiff shall recover costs. Proviso. that such costs so assessed and taxed shall not exceed the fees, which by law are or may be stated and allowed.

2. *And be it enacted*, That if any person shall commence or sue, in any court of record within this state, any action, bill or plaint whatsoever, as aforesaid, wherein the plaintiff or demandant might have costs in case judgment should be given for him, and the plaintiff or demandant in any such action, bill or plaint, after appearance When defendant shall recover costs,

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of the defendant, be non-prossed or nonsuited, or any verdict happen to pass by any lawful trial against the plaintiff or demandant in any such action, bill or plaint, then the defendant in every such action, bill or plaint shall have judgment to recover his costs against every such plaintiff, (except against executors or administrators prosecuting in the right of their testators or intestates) or demandant, to be assessed and taxed in manner aforesaid; and also, that such defendant shall have such process and execution for the recovery of his costs against the said plaintiff or demandant, as the same plaintiff or demandant should or might have had against the defendant, if judgment had been given for the said plaintiff or demandant in any such action, bill or plaint.

but not against executors or administrators,

and have execution.

When avowant, etc., to recover costs.

3. *And be it enacted*, That every avowant or other person that makes avowry, justification or cognizance as bailiff or servant to any person in any replevin or second deliverance, if the same avowry, cognizance or justification be found for him, or the plaintiff in the same be nonsuit, or otherwise barred, shall recover his damages and costs against the plaintiff as the plaintiff should have done if he had recovered in the same replevin or second deliverance, in case the same had been found against the defendant.

When costs not recovered in supreme court.

4. *And be it enacted*, That if in any suit which shall be instituted in the supreme court, the plaintiff shall not recover above two hundred dollars, exclusive of costs, then such plaintiff shall not be entitled to costs; but this section shall not extend to or affect any suit in which the freehold inheritance or title to lands, tenements, hereditaments or other real estate, may in any wise come in question, nor any suit which may be removed into the said court by the defendant in such suit.

Costs, when title to land in question.

5. *And be it enacted*, That in all actions of trespass commenced or prosecuted in the supreme court, wherein the justice, at the trial of the cause, shall find and certify, under his hand, upon the back of the record, that the freehold inheritance or title to lands, tenements, hereditaments or other real estate came in question on the trial of said cause, and the plaintiff shall recover any damages, he shall recover not only his damages but full costs of suit.

Costs, when suit removed by habeas corpus.

6. *And be it enacted*, That if any suit commenced in any circuit court or court of common pleas, shall be removed by writ of habeas corpus into the supreme court by the defendant, and the plaintiff shall recover in the supreme court, he shall recover full costs in case he would have been entitled to recover costs, had the suit remained and been tried in the circuit court or court of common pleas.

7. *And be it enacted*, That in suits on the same instrument, bond or note where several are bound, and in suits against the maker,

endorser or endorsers of any note, and in suits on any inland bill of exchange against the drawer, acceptor or any endorser or endorsers thereof, there shall be a taxation and recovery of the attorney and counsel fees taxable by law in one of the said suits only, at the election of the plaintiff; and no fees for attorney or counsel shall be allowed or taxed in any bill of costs, in any suit or suits brought on the same instrument, bond, note or inland bill of exchange against any party or parties thereto, other than in the one where the election is made as aforesaid.

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Suits on same paper, but one bill of costs allowed for attorney and counsel.

8. *And be it enacted*, That in all suits upon any writ or writs of scire facias, and suits upon prohibitions, the plaintiff obtaining judgment or any award of execution, after plea pleaded, or demurrer joined therein, shall likewise recover his costs of suit; and if the plaintiff shall become nonsuit, or suffer a discontinuance, or a verdict shall pass against him, the defendant shall recover his costs, and have execution for the same, in the manner aforesaid.

On sci. fa., etc., how costs adjudged.

9. *And be it enacted*, That where several persons are or shall be made defendants to any action, bill, or plaint of trespass, assault, false imprisonment, trespass on the case, replevin or ejection, and any one or more of them shall be, upon the trial thereof, acquitted by verdict, every person, so acquitted, shall have and recover his costs of suit, in like manner as if a verdict had been given against the plaintiff, and acquitted all the defendants; unless the judge or judges, before whom such cause shall be tried, shall, immediately after the trial thereof, in open court, certify upon the record or in the minutes of the court, under his or their hands, that there was a reasonable cause for the making such person or persons a defendant or defendants to such action, bill or plaint.

One of several defendants acquitted, shall have costs,

except in what case.

10. *And be it enacted*, That if any person shall commence or prosecute, in any court of record, any action, plaint or suit, wherein, upon any demurrer, either by plaintiff or defendant, demandant or tenant, judgment shall be given by the court against such plaintiff or demandant; or if at any time after judgment given for the defendant or tenant, in any such action, plaint or suit, the plaintiff or demandant shall sue any writ or writs of error to annul the said judgment, and the said judgment shall afterwards be affirmed to be good, or the said writ of error shall be discontinued, or the plaintiff shall be nonsuit therein, the defendant or tenant in every such action, plaint, suit or writ of error, shall have judgment to recover his costs against every such plaintiff or demandant, and have execution for the same in manner aforesaid.

When upon demurrer or writ of error, defendant to have costs.

11. *And be it enacted*, That if any defendant or tenant, or any other person who shall be bound by any judgment obtained in any court of record, shall sue, either before or after execution had, any

Plaintiff in error, when to pay costs.

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writ of error, to reverse any such judgment, then if the same judgment be affirmed good in the said writ of error, and not erroneous, or if the said writ be discontinued in default of the party, or if any person who shall sue any writ of error be nonsuited in the same, the said person against whom the said writ of error is or shall be so sued, shall recover his costs, against the person suing the same, and have execution for the same in manner aforesaid.

When to pay  
double costs.

12. *And be it enacted*, That if any person shall sue or prosecute any writ of error, for reversal of any judgment whatsoever, given after any verdict in any court of record of this state, and the judgment shall afterwards be affirmed, then such person shall pay unto the defendant in the said writ of error, his or their double costs, to be recovered by execution in manner aforesaid.

Writ of error  
or quashed,  
plaintiff to  
pay costs.

13. *And be it enacted*, That upon the quashing any writ of error, for variance from the original record or other defect, the defendant, in such writ of error, shall recover against the plaintiff suing out such writ, his costs, as he should have done if the judgment had been affirmed, and to be recovered in the same manner.

Capias pro  
fine abolished.

14. *And be it enacted*, That no writ, commonly called capias pro fine, in any suit or action of trespass, ejectment, assault and false imprisonment, in any court of record, shall be sued out or prosecuted against any defendant, or any further process thereupon; but the same fines are and shall hereby be remitted and for ever discharged.

Costs on dis-  
missal of bill  
in equity.

15. *And be it enacted*, That upon the complainant's dismissing his own bill in equity, or the defendant's dismissing the same, for want of prosecution, the complainant in the suit shall pay to the defendant his costs to be taxed.

State may re-  
cover costs.

16. *And be it enacted*, That in all suits commenced, or to be commenced upon any obligation or specialty, or upon any contract, express or implied, made or had, or to be made or had to or with the state of New Jersey, or the governor thereof, or any person, to or for the use of the said state, then and in every such case, the state of New Jersey or other plaintiff, shall have and recover the debt, damages and costs, as any other person may do in suits for his or her debts.

But not to  
pay costs.

17. *And be it enacted*, That where any suit or action is or shall be commenced, sued or prosecuted, by and in the name of any person for any debt, sum or sums of money, due, owing, or belonging to this state, and the plaintiff shall be nonsuited therein, or if a verdict shall pass against such plaintiff, the defendant shall not recover any costs against such plaintiff.

Not to ex-  
tend to cer-  
tain actions.

18. *And be it enacted*, That nothing in this act contained shall

extend to any popular action, nor to any action to be prosecuted by any person in behalf of himself and this state, upon any penal statute, nor to any indictment, presentment or inquisition.

TITLE XIV.  
CHAP. 2.

CHAPTER 2.

FEEES AND COSTS IN CRIMINAL CASES.

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|---------------------------------------|--|---|
| 1. Witnesses to be paid.              |  | 4. Fines to be paid over.               |
| 2. Costs of prosecution, how paid.    |  | 5. How recovered from convict's estate. |
| 3. Fees on acquittal before justices. |  | " Scire facias, and service.            |

An Act concerning fees and costs in certain criminal cases.

REV. 729.

Revision.....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a verdict shall be rendered against any offender or offenders in any of the courts of this state, on any indictment, it shall be the duty of the sheriff of the county where the verdict shall be rendered, to pay the witnesses who shall have been sworn or affirmed to testify in behalf of the state, their legal fees before they leave the court.

Witnesses to be paid.

2. *And be it enacted*, That in case the offender or offenders shall be sentenced to pay a fine or to imprisonment in the county jail, and he, she or they are unable to pay the costs of prosecution, it shall be the duty of the county collector of said county, and he is hereby directed to pay the same to the sheriff of the said county, on the bills of costs duly taxed being shown him; and in case the offender or offenders shall happen to escape after verdict against him, her or them, or for any other cause, no sentence should be passed upon such offender or offenders, it shall in like manner be the duty of the said county collector to pay to the sheriff all the fees which he shall have paid to the witnesses as aforesaid, on a statement in writing made by the sheriff, under oath or affirmation, of the sums paid to the said witnesses in each and every case; and for such sum or sums so paid as before directed, it shall be the duty of the said county collector to take a receipt of the said sheriff; which sum or sums shall be allowed the said collector in the settlement of his accounts; and when on any indictment there is an acquittal, the sheriff shall pay the witnesses' and constables' fees; and the said bill of fees, on proper vouchers produced, shall, on demand, be repaid to the said sheriff by the county collector, from any moneys in his hands belonging to the county, and be allowed to him in the settlement of his accounts.

Costs of prosecution, how paid.

Sheriff reimbursed.

Fees, how paid on acquittal.

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Fees on acquittal before justices, how paid.

3. *And be it enacted*, That when there shall be judgment of acquittal before justices of the peace, in cases where by law they may try persons charged with any crime against the state, the said justices shall make out a bill of the fees by law allowed to said justices, witnesses for the state, and constables, and certify the said bill to be just and true to the court of general quarter sessions, at their lawful stated term, to be by them approved, and by their order certified by the clerk of the county, who shall deliver the same to the justice, to be by him recorded in his docket, and then delivered to the constable, who shall draw on the county collector for the same, and make return of the said money to said justice, to be by him paid to the persons entitled thereto.

Sheriff to pay over fines.

4. *And be it enacted*, That all fines received by any sheriff on conviction upon any indictment, or which may be imposed by any justice or justices, shall be by him paid over to the county collector and carried to the credit of the county; and the sheriff of each county for the time being, shall annually render to the county collector an account of all fines imposed within any year in which he is in office; and on neglect or refusal so to do, shall forfeit and pay five hundred dollars above the amount of fines imposed, to be recovered with costs of suit, in the name of the county collector for the time being, to and for the use of the county; and the clerk of the county shall make return of said fines to the board of chosen freeholders at their annual meeting, as a check against the county collector.

How costs, fine, and expenses recovered out of convict's estate.

5. *And be it enacted*, That in all cases in which any offender shall be convicted of an offence for which he or she shall be sentenced to imprisonment, for such length of time as by law requires that he or she be imprisoned in the state prison, and he or she shall have any estate, real or personal, or both, the same shall be bound by the judgment against such offender, from the time of rendering thereof, and shall be liable for the payment of the fine, (in case any fine be adjudged) costs of prosecution and expenses of sustaining, securing and transporting such offender to the state prison, and finding and providing clothing and other necessaries, during the term of imprisonment; for the recovery of which, it shall be the duty of the clerk of the court by whom such judgment was rendered, or sentence pronounced, on the application of the attorney general or prosecutor of the pleas, to transmit, under the seal of said court, a certified copy of the record of said judgment or sentence, and bill of costs, to the supreme court; whereupon it shall and may be lawful for the supreme court, on motion of the attorney general, to award a writ of scire facias against such offender, to show cause why execution should not be awarded against him

Sci. fa. to issue.

or her, in behalf of the state, for the fine, costs and expenses afore-TITLE XIV.  
CHAP. 3. said, and to cause further proceedings to be had, as in cases of forfeited recognizances is by law allowed and directed; that in case the offender shall be imprisoned in the state prison, at the time of issuing the said scire facias, it shall be the duty of the said attorney general to cause a copy of the said scire facias to be served on the keeper of the state prison, at least ten days before How served. the return thereof, whose duty it shall be forthwith to deliver the same to such offender; and in case such offender shall be unable to procure counsel, the court shall thereupon appoint counsel to appear on his or her behalf.

CHAPTER 3.

FEEES.

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| <ul style="list-style-type: none"> <li>1. What a folio.</li> <li>2, 3. Fees specified.</li> <li>4. Taxation of costs.</li> <li>5. Illegal allowance, penal.</li> </ul> |  | <ul style="list-style-type: none"> <li>6. Taxation in criminal cases.</li> <li>7. Illegal allowance, penal.</li> <li>8. Retaxation of costs.</li> <li>9. Costs to be separated.</li> </ul> |
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An Act to regulate fees.

REV. 481, 512,  
574.

Revision....Approved April 15, 1846.

HAR. 54, 63,  
298, 376.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a sheet or folio shall contain one hundred words, and in all cases where an entry of any writing or copy is to be paid for, the said sheet shall consist of one hundred words. 1843-4.  
PAMPH. 251.  
One hundred words a folio.

2. *And be it enacted*, That the officers and persons, in this act Fees. named, shall be entitled to demand and receive, for the services hereinafter mentioned, the fees thereto respectively annexed, and no more.

THE GOVERNOR.

Of governor.

For a license to an attorney and solicitor,	\$3 00
a license to a counsellor at law,	3 00
the seal to a sheriff's commission,	1 00
the seal to a surrogate's commission,	1 00
the seal to a commission for a clerk of any court,	1 00
the seal to every certificate, exemption or other paper,	1 00

THE SECRETARY OF STATE.

Secretary of state.

For every order, warrant or certificate under the governor's hand and seal, countersigned by the secretary,	40
entering writings on the record, for each sheet,	8

TITLE XIV. CHAP. 3.	For every copy of the same, and other papers in his office, for each sheet,	\$. 8
	a commission for a sheriff or surrogate,	1 34
	a commission for a clerk of any court,	1 34
	a license to an attorney and solicitor,	3 00
	a license to a counsellor at law,	3 00
	and for every other commission to be paid by the treasurer of this state,	25
	drawing a certificate to pass under the great seal, or any other seal, and engrossing the same, for each sheet,	12

Errors and  
appeals.  
Clerk.

IN THE COURT OF ERRORS AND APPEALS.

*The clerk's fees.*

For reading and filing the writ, return and record,	34
filing every affidavit or other proceeding,	12
entering every rule,	20
every certified copy of a rule,	20
entering every appearance,	12
entering every judgment,	25
entering every judgment and remittitur on the roll, for each sheet,	12
the seal to any record or process,	50
opies of records, pleadings and other proceedings, for each sheet,	8

On an appeal from a decree or order in chancery, where no fees are by law provided, the same fees shall be allowed to the same officers and persons as are allowed by law for like services in the court of chancery; *provided*, that no fees be allowed to the court.

Prerogative  
office.

IN THE PREROGATIVE OFFICE.

For the seal to every probate of a will or letter of administration,	\$1 00
engrossing a will and probate, for each sheet,	12
engrossing letters of administration, for each sheet,	12
recording wills and letters of administration, for each sheet,	8
filing every will,	8
every copy of the same and of all other papers in the office, for each sheet,	8
recording inventory, for each sheet,	8
filing inventory,	8
every bond taken in the office,	34
entering and filing caveat,	20

FEEES AND COSTS.

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IN THE PREROGATIVE COURT.

TITLE XIV.  
CHAP. 3.

*The ordinary.*

For making every order or rule, the seal to citation, monition or process, hearing and determining every appeal,	\$1 00 50 2 50
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Prerogative  
court.  
Ordinary.

*The register.*

For drawing citation, monition or process, entering every order or rule of court, copy thereof, entering and filing appeal, filing every petition, pleading or other paper,	1 00 20 14 20 14
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Register.

In all cases where no fees are by law provided, the same fees shall be allowed in the prerogative court, to the same officers and persons, as are allowed by law for like services in the court of chancery.

IN THE COURT OF CHANCERY.

Chancery.

*The chancellor's fees.*

Chancellor.

For the seal to every common writ, every order on a petition or motion controverted and argued in court, every order on petition out of court, every common motion, every dismissal of a bill for want of prosecution, every decree,	\$.40 1 34 66 75 1 34 2 50
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*The fees of masters.*

Masters.

For every summons, copy of all charges and discharges brought before the master, and scheduling writings, for each sheet, every report in pursuance of an order made upon hear- ing a cause, every other report made upon petition or motion only, drawing every report, for each sheet, swearing a defendant to an answer or plea, serving executions, advertising and selling property and making deeds, the same fees and commissions as are allowed to sheriffs for the same services, and under the like restrictions and regulations.	40 10 1 34 67 14 20
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*Examiner's fees.*

Examiners.

For taking the examination of every witness, for each sheet, certifying every exhibit shown to a witness,	20 10
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TITLE XIV.  
CHAP. 3.*Clerk's fees.*

Clerk in chancery.	For entering action,	\$ .20
	entering appearance of the defendant,	20
	filing every bill, answer, plea, replication and other pleading, and every affidavit, petition, report, exam- ination, deposition or other paper,	12
	copy of the same, for each sheet,	8
	entering rule to answer, reply, or other rule in a cause, copy thereof,	20 12
	entry of every dismissal,	50
	every commission to examine witnesses,	1 34
	entering a cause for argument or hearing,	50
	money brought into court by order, and lodged with him, on any amount not exceeding one hundred dol- lars, one per cent; if over one hundred, and not ex- ceeding one thousand dollars, one half of one per cent on such excess; and if exceeding one thousand dollars, one quarter of one per cent on such excess.	

Solicitor, etc.

*Fees of solicitor and counsel.*

	For a retaining fee,	2 00
	drawing every bill, answer, plea, demurrer, replication and other pleading, and drawing exceptions and other proceedings, for each sheet,	20
	engrossing the same, for each sheet,	10
	drawing and engrossing every subpœna or attachment,	40
	drawing other process and writs, for each sheet,	20
	drawing notice of every motion, copy and service, every motion of course,	40 80
	(but no motion to be allowed for common process, nor for rules to answer, reply or the like, which are to be entered of course by the clerk.)	
	every special motion,	1 50
	counsel arguing every plea or demurrer, or upon peti- tion, or exceptions, or other special matter,	3 00
	counsel arguing upon the final hearing, (but no costs to be taxed for more than one counsel in a cause.)	4 00
	drawing every decree, for each sheet,	20
	engrossing the same, for each sheet,	10
	copy of every bill of costs to be taxed before a decree,	20
	copy of every bill of costs to be taxed after a decree,	30
	every term fee,	80
	(but no more than three term fees to be allowed in any cause.)	

FEEES AND COSTS.

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*Fees of the sergeant-at-arms.*

TITLE XIV.  
CHAP. 3.

For attending the court at each of its stated terms, for every day he shall attend, to be paid by the treasurer,	\$1 00	Sergeant-at-arms.
attending every special session for the argument of any plea or demurrer in any cause or causes, to be paid by the party or parties applying for such special session, and to be taxed to him or them in his or their bill of costs, if costs shall be adjudged,	1 00	

IN THE SUPREME COURT.

Supreme court.  
Judges.

*Fees to be divided among the judges who are attending court when the service is performed.*

For a license to an attorney and solicitor,	\$3 00
a license to a counsel,	3 00
the first motion in every cause,	80
the trial or argument of every cause,	1 00
assessment of damages,	1 00
every recognizance,	40
every rule in a cause,	34

*Fees to be paid to the judge who shall perform the service.*

Judge.

For drawing order for bail,	40
taking bail,	40
every justification or disallowance of bail,	40
allowing every writ of error, habeas corpus, certiorari, prohibition, procedendo, supersedeas, or other writ, where an allowance is necessary,	50
making a return of a writ of error, examining and annexing a transcript of the record thereto, and delivering the same to the court of appeals,	1 00
signing and returning postea,	1 00
order of commitment of every person surrendered by or in discharge of his bail,	40

*Counsel's fees in the court of errors and appeals and supreme court.*

Counsel.

For trial of a cause or arguing a demurrer or special verdict,	\$3 00
(but no costs to be taxed for more than one counsel on each side.)	
attending the court of errors and appeals to make or oppose a motion,	1 50

*Fees of attorneys at law.*

Attorneys.

For a retaining fee in each cause,	1 00
drawing every summons, capias or other mesne process,	34

TITLE XIV. For drawing a warrant of attorney,	\$ .10
CHAP. 3. <u>copy thereof,</u>	7
drawing every affidavit,	14
copy of the same, when necessary,	7
drawing special bail-piece and attending the judge,	40
drawing notice of justification of bail,	30
copy and service thereof,	20
every declaration filed in any cause,	1 50
copy thereof, when necessary,	75
every plea or other pleading, not exceeding three sheets,	70
copy thereof, when necessary,	30
every plea or other pleading, exceeding three sheets,	
for every sheet,	20
copy thereof, for every sheet,	10
every writ of error, dower, replevin, habeas corpus,	
certiorari, prohibition, procedendo, scire facias, ve-	
nire or distringas,	60
copy of bond, note of hand, account or other deed or	
writing, for every sheet,	8
every special motion, not exceeding two in any cause,	80
every subpoena,	34
every ticket for the same,	10
drawing notice of every motion, where notice of the	
same is necessary,	25
copy and service thereof,	20
attendance on striking a jury,	1 00
drawing notice of trial,	25
copy and service thereof,	20
drawing every breviat,	40
copy thereof,	14
arguing every special motion,	1 25
arguing demurrer or special verdict, or trying every	
cause,	2 00
drawing notice of taxing costs, where necessary,	25
copy and service thereof,	20
drawing capias ad satisfaciendum,	50
drawing execution against goods and chattels,	50
drawing execution against goods and lands,	70
term fee,	80
(but no more than two term fees to be allowed where	
judgment is entered by default, nor more than three	
in any case.)	
every attendance before the court of errors and ap-	
peals, in order to make or oppose a motion,	1 00

F E E S   A N D   C O S T S .

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		TITLE XIV. CHAP. 3
		Clerk.
<i>Fees of the clerk of the supreme court in civil cases.</i>		
For drawing every summons, capias, subpoena or other process, if he shall do it,	\$	.34
sealing every writ,		14
entering every action,		10
entering an appearance or default,		14
entering the return of a writ,		14
entering every rule of court,		16
a certified copy thereof, when required,		12
filing every writ, declaration, pleading, roll or other paper,		8
entering every retraxit, discontinuance, or nonsuit,		15
reading every petition, and entering order thereon,		20
every copy of such order,		12
calling and swearing every jury,		40
swearing each witness,		8
swearing a constable to attend a jury,		8
taking a general verdict, and entering the same,		20
entering judgment,		12
entering every special verdict or demurrer to evidence, for each sheet,		12
copies of writs, declarations, pleadings, special verdicts, demurrers to evidence, records and other papers, for each sheet,		8
reading and entering a postea,		20
entering satisfaction on record,		20
entering confession of lease, entry and ouster,		20
<i>Fees of the clerk of the supreme court and of the court of oyer and terminer and general jail delivery in criminal cases.</i>		
For entering every indictment, and filing the same,	\$	.20
every process, subpoena, or other writ,		34
sealing the same,		14
every ticket for a subpoena,		10
entering an appearance or default,		14
entering a recognizance taken in court,		20
discharging by proclamation, and entering the same,		20
entering and filing a plea,		14
entering a relinquishment of a plea,		8
entering an order or rule of court,		16
a certified copy thereof, when required,		12
calling and swearing every jury,		40
swearing each witness,		8
swearing constable to attend jury,		8

## FEES AND COSTS.

TITLE XIV. CHAP. 3.	For taking and entering a general verdict,	\$ .20
	entering every special verdict, for each sheet,	12
	entering judgment,	12
	copies of writs, indictments, pleadings, special verdicts and other papers, for each sheet,	8
	(but no costs to be allowed where the indictment is quashed, judgment arrested or the defendant acquitted or discharged for want of prosecution.)	

Clerk of su-  
preme court  
circuits.

*Fees of the clerks of the supreme court circuits.*

For entering every action,	10
filing every nisi prius record,	10
entering every nonsuit and rule,	10
a copy of a rule,	8
filing every venire or distringas, and return,	10
entering every appearance or default,	10
entering confession of lease, entry and ouster,	16
calling and swearing a jury,	30
swearing each witness,	8
filing every bill of exceptions,	10
a copy thereof, for each sheet,	8
swearing a constable to attend a jury,	8
taking and entering a general verdict,	20
entering in the minutes every special verdict or demur- rer to evidence, for each sheet,	12
copy thereof, for each sheet,	8
drawing postea, when a general verdict is found,	70
drawing postea in case of a special verdict or demurrer to evidence, for each sheet,	8

Attorney ge-  
neral.

FEES OF THE ATTORNEY GENERAL.

For every indictment to which the defendant or prisoner pleads guilty,	10 00
every indictment to which the defendant or prisoner pleads not guilty, and afterwards retracts his plea and pleads guilty,	12 00
every indictment to which the defendant or prisoner pleads not guilty, is tried and found guilty,	15 00

The above sums to be in full of the taxable costs and charges of the attorney general; but no costs shall be allowed where the indictment is quashed, the defendant is acquitted or the judgment is arrested.

Sheriffs.

FEES OF SHERIFFS.

For serving every subpoena, attachment, or any mesne process issuing out of the court of chancery; every at-

tachment, summons, *capias ad respondendum*, declaration in ejection, or any mesne process issuing out of the supreme court, or any circuit court or court of common pleas; every citation, attachment, or any mesne process issuing out of the prerogative court or orphans' court, or issued by the surrogate of any county, the sheriff or other officer serving such process, shall for the first defendant or party on whom such process is served, be allowed the sum of two dollars, and for service on a second defendant named therein, one dollar and fifty cents, and for serving such process on any other defendant or defendants therein named, the sum of fifty cents each, and no more; and if a man and his wife be named in such process, they shall be understood as one defendant, and no mileage shall be allowed but on one or two services, as the case may be, as aforesaid.

For serving a <i>capias ad satisfaciendum</i> ,	\$1 50
returning every writ,	12
mileage on serving every writ or declaration in ejection, two cents, out and in, for every mile, to be computed from the court-house, but the whole mileage shall in no case exceed two dollars; <i>provided</i> , that no mileage shall be allowed on a writ of <i>feri facias</i> , partition, possession, restitution, seizure, <i>venire facias</i> , <i>distringas</i> or inquiry.	
taking every bail bond,	50
serving every <i>venire facias</i> or <i>distringas</i> and return,	1 00
producing the list of freeholders and attending the judge within the county, two dollars and seventy cents; and, if out of the county, twenty cents for every mile from the court-house of his county to the place where he shall attend the judge, in addition to the said fee of two dollars and seventy cents.	
summoning a special jury,	2 70
summoning a jury of view, when not a special jury,	1 50
attending a jury of view, each day,	1 50
executing every writ of partition, swearing the jury, and making return of the writ, three dollars; and if the execution of the said writ shall occupy more time than one day, then, in addition to the above sum, he shall be allowed after the rate of one dollar and fifty cents a day, for every day more that he shall attend the said jury.	
executing every writ of possession and return,	2 00

## FEES AND COSTS.

TITLE XIV. For executing every writ of inquiry, summoning the jury,  
 CHAP. 3.

and returning the inquisition,	\$2 00
serving every execution against goods or lands and making an inventory and return,	1 00
when a sale is made by virtue of an execution, on all sums not over one thousand dollars, two per cent on the amount of sales; if over one thousand dollars, and not exceeding three thousand dollars, one per cent on such excess; and if over three thousand dollars, one half of one per cent on such excess. When the execution is settled without actual sale, and such settlement is made manifest to the officer, the one half of the amount of per centage allowed in cases of sale.	
making statement of execution, sales and execution fees,	1 00
advertising the property for sale, provided the sheriff or deputy sheriff attend in pursuance of the advertisement,	3 50
the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale,	1 00
every adjournment of a sale,	1 00
(but no more than one adjournment shall be allowed; and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending, and adjourning, as if he had but one execution.)	
drawing and making a deed to a purchaser of real property,	2 50
every person committed to prison,	25
discharging every person from prison,	12
victualling a prisoner, for every day,	10
attending with a prisoner before a judge, on his being surrendered by or in discharge of his bail, and receiving him into custody,	1 50

(The sheriff shall file his taxed bill of costs with the clerk of the court out of which execution issued, at the term next after the sale of the property, or, in default thereof, he shall not be entitled to any costs; and if any sheriff shall charge in such bill of costs for services not done, or not allowed by law, or shall take any greater fee or reward for any service by him done, than is or shall be allowed by law, he shall pay to the party aggrieved thirty dollars, to be recovered by action of debt, with costs.)

IN THE COURTS OF COMMON PLEAS.

TITLE XIV.  
CHAP. 3.

*Fees to be divided among the judges who are attending court when the service is performed.*

Common  
pleas.  
Judges.

For the first motion in every cause,	\$ .50
every rule in a cause,	20
the trial or argument of every cause,	50
assessment of damages,	75
every writ of error or habeas corpus allowed and entered,	20

*Fees to be paid to the judge who performs the service.*

For drawing order for bail,	25
taking bail,	25
every justification or disallowance of bail,	25
order of commitment of every person surrendered by or in discharge of his bail,	20

*Fees of the clerks.*

Clerk.

For drawing every summons, capias or other process, if he shall do it,	30
sealing every writ,	14
entering every action,	8
entering an appearance or default,	10
entering the return of a writ,	10
entering every rule of court,	10
a certified copy thereof, when required,	8
filing every writ, declaration, pleading or other paper,	8
entering every retraxit, discontinuance or nonsuit,	8
reading every petition, and entering order thereon,	15
every copy of such order,	10
calling and swearing the jury,	20
swearing each witness,	6
swearing constable to attend a jury,	6
taking and entering a general verdict,	8
entering judgment,	8
entering every special verdict or demurrer to evidence, for each sheet,	10
copies of writs, declarations, pleadings, special verdicts, records and other papers, for each sheet,	8
entering satisfaction on record,	14
reading and entering every allowance of a writ of error, habeas corpus or other writ, requiring an allowance and returning the same,	50
entering deeds and conveyances on the record, for each sheet,	6

## FEES AND COSTS.

TITLE XIV.  
CHAP. 3.

## IN THE COURTS OF GENERAL QUARTER SESSIONS.

Quarter sessions.	<i>Fees to be divided among the judges who are attending court, when the service is performed.</i>	
Judges.	For the first motion in a cause,	\$ .50
	every rule in a cause,	20
	the trial or argument of every cause,	50
	every recognizance,	25
Justices.	<i>Fees to be paid to the justice of the peace who performs the service, where he is entitled to fees, and they are not otherwise ascertained by law.</i>	
	For every recognizance,	\$ .25
	a pass,	20
	a mittimus,	25
	taking examinations, for each sheet,	14
	every oath or attestation,	5
	a warrant against a person for a breach of the peace or a misdemeanor,	25
	a summons on a penal law,	13
	drawing a conviction,	25
	a warrant to levy a penalty,	25
Clerk.	<i>Fees of the clerks.</i>	
	For entering and filing an indictment,	16
	every process, subpœna or other writ,	25
	sealing the same,	14
	every ticket for a subpœna,	9
	entering an appearance or default,	10
	entering a recognizance taken in court,	15
	entering and filing a plea,	8
	discharging by proclamation, and entering the same,	15
	entering the relinquishment of a plea,	8
	reading every petition, and entering order thereon,	15
	copy of such order,	10
	every rule or order of court,	10
	copy of such rule or order,	8
	searching the records,	12
	calling and swearing the jury,	20
	swearing each witness,	6
	swearing constable to attend a jury,	6
	taking and entering a general verdict,	8
	entering judgment,	8
	entering every special verdict, for each sheet,	10
	copies of writs, indictments, pleadings, special verdicts and other papers, for each sheet,	8

## FEES AND COSTS.

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For entering the allowance of every habeas corpus, writ of error or certiorari, and returning the same, (but no costs to be allowed where the indictment is quashed, judgment arrested, or the defendant acquitted or discharged for want of prosecution.)	\$ .50	TITLE XIV. CHAP. 3.
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FEES OF CORONERS.		Coroners.
For the view of a dead body, and inquiry respecting the cause and manner of the death, a precept to summon a jury, swearing the jury, swearing every witness, drawing and returning the inquisition, taking examinations in writing, for each sheet, burying a dead body, when required by law to be done by him, (which fees the collector of the county is hereby authorized and required to pay, on being taxed by the clerk of the court of common pleas of the county.) serving writs, advertising and selling property and making deeds, the same fees and commissions as are by law allowed to sheriffs for the same services, and under the like restrictions and regulations.	2 00 50 25 6 1 00 14 5 00	

CRIER'S FEES.		Crier.
For calling every action, calling a jury, swearing a witness, calling the plaintiff on a nonsuit, calling the defendant on a default, calling the defendant on a recognizance, calling the bail on a recognizance, making proclamation to discharge a person,	9 12 6 8 8 8 8	

FEES OF JURORS.		Jurors.
For every juror, for each action on which he is sworn or affirmed, including a writ of inquiry and coroner's inquest, every juror who appears in a cause, but is not sworn or affirmed, every juror going to, attending and returning from a view, for each day, every juror from a foreign county, going to, attending at, and returning from court, being sworn or affirmed in a cause, for each day,	25 12 1 00 1 00	

TITLE XIV. CHAP. 3. For every such juror who attends, and is not sworn or affirmed, to be allowed for going to, attending at, and returning from court, after the rate of fifty cents for each day.

(but no fees shall be paid by virtue of this section to any juror for services for which he is entitled to pay under the act respecting jurors, nor shall any fees in such case be taxed or included in the bill of costs.)

Witnesses.

FEES OF WITNESSES, &c.

For every witness attending a court, or commissioners, or referees, or arbitrators, in his own county, for each day,	\$ .50
every witness from a foreign county, attending a court, or commissioners, or referees, or arbitrators, after the rate of one dollar a day, in which shall be included his or her going to and returning from the same, allowing one day for every thirty miles from and to his or her place of residence.	
the secretary of this state, or any clerk attending on subpœna, with wills, records or other written evidence, after the rate of one dollar a day, and mileage as aforesaid.	
every surveyor, for his actual service on a view, for each day,	2 00
every surveyor, for his going to and returning from a view, for each day,	1 00
every chain bearer, on a view, for each day,	70
serving a subpœna on each witness,	13

Constable.

FEES OF THE CONSTABLE,

*When not otherwise ascertained by law.*

TITLE VII. The constable shall, for the same services, be allowed the same fees as are established by the act constituting courts for the trial of small causes; and also, seventy-five cents per day for every day he shall attend at the supreme court, circuit court, court of oyer and terminer and general jail delivery, court of common pleas and general quarter sessions of the peace, in his county, to be paid, except for attendance at the supreme court, by the county collector of the same, and for attendance at the supreme court by the treasurer of the state, on his producing a certificate from the presiding judge or justice of such court, setting forth the number of days he may have so attended; *provided*, that when two or more courts are held at the same time, the constable shall receive no more than seventy-five cents per day for his attendance on all the said courts.

For serving a warrant in all criminal cases, upon conviction,	\$ .60	TITLE XIV. CHAP. 3.
attending prisoner during trial for larceny under six dollars, before two justices,	25	

3. *And be it enacted*, That for the service specified in this section, when performed by any clerk, judge or other officer authorized by law to perform the same, such clerk, judge or other officer shall be entitled to receive the fees thereto respectively annexed, and no more, except when otherwise specially authorized by law.

JUDGE OR OTHER OFFICER.		Judge, etc.
For taking every affidavit,	\$ .12	
taking every acknowledgment or proof of a deed or conveyance,	50	
signing every judgment,	50	
transcribing names of jurors, striking jury and certifying list,	2 00	
drawing depositions and examinations in all causes, civil and criminal, where the same are required to be reduced to writing by the officer, except in the court of chancery, for each sheet,	14	

CLERKS.		Clerks.
For recording every judgment, and indexing the same,	1 00	
taxing every bill of costs,	50	
searching the records of judgments against each individual, for each year,	4	
searching the records of deeds, mortgages, wills, or other records, for each name, each year,	4	
drawing certificate and seal,	20	
and in addition thereto, for copies or abstracts of all deeds, mortgages, judgments, or other records, included in such certificate, for each sheet,	8	

4. *And be it enacted*, That the clerk of every court in this state shall be and he hereby is authorized and directed to tax and subscribe his name to all bills of costs presented to him for that purpose, arising in any civil cause instituted and determined in the court whereof he is clerk, agreeably to the fees in this act allowed and specified; and shall in no case allow any item or charge, unless the service, in his opinion, shall have been necessary in regularly conducting the cause, and shall have actually been performed, and shall so appear on the minutes of the court.

5. *And be it enacted*, That if the said clerk shall allow any item

TITLE XIV.  
CHAP. 3. or charge in any bill of costs, which shall not appear of record in the minutes of the court, or shall allow more for any service done than is allowed by law, he shall, for every offence, forfeit and pay to the party aggrieved the sum of thirty dollars, to be recovered, with costs, by action of debt, in any court having cognizance of that sum.

Penalty for  
illegal allow-  
ance.

6. *And be it enacted*, That all bills of costs in criminal cases, shall be taxed by the clerk of the court in which the judgment is had, in the manner provided by the fourth section of this act; and the said clerk shall in no case allow on such taxation, either for himself or others, any item or charge for any service or proceeding, unless the same shall have been required by law, in the regularly conducting such case, and unless the same shall have been actually performed, and shall so appear upon the minutes or records of the court; and such clerk shall not allow any charge for more than one service, for taking and entering the recognizances of several persons who appear and enter into recognizance together at the same time, nor shall any charge be allowed for more than one process of subpoena for the appearance of all the witnesses in the same case, residing in the same county, at the same term.

Taxation in  
criminal ca-  
ses.

7. *And be it enacted*, That if any clerk, in the taxation of any bill of costs in a criminal case, shall allow any item, fee or charge, contrary to the provision of the preceding section, he shall for every such offence forfeit and pay the sum of thirty dollars, to be recovered by action of debt, with costs of suit, by any person who shall sue for the same, the one half to the use of the county wherein such clerk shall reside, the other half to the use of the person who shall sue for and prosecute the same to effect.

Penalty for  
illegal allow-  
ance.

8. *And be it enacted*, That if any person shall think himself aggrieved by any bill of costs being taxed at a greater sum than is by law allowed, such person may apply to the court in which the action depended, at the next term after such bill of costs is so taxed, and payment thereof demanded, and the said court is hereby required to examine and retax the same according to law; and if the said court shall find any charge allowed for services not actually done, or any item charged higher than is by law allowed, then the said clerk shall, over and above the fine herein before imposed on him, pay back the fee received for taxing the said bill, and pay the court, for their trouble in retaxing the same, double the sum allowed him by law; but if the said court shall find the said bill to be taxed agreeably to the directions of this act, then the applicant shall pay the court for retaxing such bill, whose decision shall be final.

Retaxation  
of costs.

9. *And be it enacted*, That every judge, clerk or other person, who by law now is or hereafter shall be directed or authorized to tax any bill of costs, shall, in such bill, class and set together those which appertain and belong to the courts or justices or judges, clerk, attorney and counsellor, sheriff and other person or persons, distributively.

TITLE XIV.  
CHAP. 3.

Costs to be  
separated.