

Fairs.

An act to suppress fairs.

Passed January 27, 1797.

Rev. 265.

R. S. 566.

1. That no fair or fairs shall hereafter be held at any city, town or place in this state. No fairs to be hereafter held.

Fees and Costs.

1. One hundred words a folio.
2. Fees specified:
 - Of Governor.
 - Of secretary of state.
 - In the court of errors and appeals.
 - In the prerogative office.
 - In the prerogative court.
 - In the court of chancery.
 - In the supreme court.
 - Of the attorney general.
 - Of sheriffs.
 - In the courts of common pleas.
 - In the courts of general quarter sessions.
 - Of coroners.
 - Of criers.
 - Of jurors.
 - Of witnesses.
 - Of constables.
3. Fees of judge, clerk or other officer.
4. Taxation in criminal cases.
5. Penalty for illegal allowance.
6. Fees for searches.
7. Fees of clerks for recording and for copies.
8. Fees for registering mortgages.
9. Fees of justice of the supreme court holding circuit.
10. Fees of sheriffs of certain counties for certain services.
11. Clerk not to incur penalty for illegal allowance unless act wilful.
12. Act of April 7, 1868, extended to all counties.
13. Sheriff's fees increased twenty-five per centum. Proviso.
14. Counties to pay expenses in certain cases.
15. Fees of constables.
16. Fees of supreme court commissioners.
17. Sheriff's fees, where more than one execution is issued out of supreme court.
18. When upon demurrer or writ of error defendant to have costs.
19. Plaintiff in error, when to pay costs.
20. When to pay double costs.
21. Writ of error quashed, plaintiff to pay costs.
22. Costs on dismissal of bill in equity.
23. Fees of clerks and judges in naturalization cases.
24. Fees to be taxed on requirement in writing of party.
25. Price for publishing certain legal notices.
26. Fees for publication of legal notices.
27. Price for publishing shall be printed with every advertisement.
28. Mileage to be allowed for serving writs.

An act to regulate fees.

Approved April 15, 1846. R. S. 449, 455.

1. 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. One hundred words a folio.

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

THE GOVERNOR.(1)

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, exemplification 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

* For the history of the allowance of costs, see *Aller v. Shurts*, 2 *Harr.* 188.

(1) The Governor now receives a salary of \$5,000 (vide Title Salaries), the fees in this section are now by act of March 11, 1862, (P. L. p. 141), paid to the treasurer for the use of the state.

FEES AND COSTS.

	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
	In the court of errors and appeals.	
	THE CLERK'S FEES.	
Errors and appeals.	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
	copies 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; (a) <i>provided</i> , that no fees be allowed to the court.	
	In the prerogative office.	
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
	In the prerogative court.	
	THE ORDINARY.	
Prerogative court.	For making every order or rule,	\$1 00
	the seal to citation, monition or process,	50
	hearing and determining every appeal,	2 50
	THE REGISTER.	
Register.	For drawing citation, monition or process,	\$1 00
	entering every order or rule of court,	20
	copy thereof,	14
	entering and filing appeal,	20
	filing every petition, pleading or other paper,	14
	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.	
	THE CHANCELLOR'S FEES.	
Chancery.	For the seal to every common writ,	\$ 40
Chancellor.	every order on a petition or motion controverted and argued in court,	1 34

(a) The cost of printing the case cannot be included by the successful party under this provision although the chancellor by the act of March 29, 1866, could order the cost of printing the evidence to be included in the taxed bill, *Decamp v. Crane*, 6 C. E. Gr. 545. See RULES OF COURT OF ERRORS, § 46.

FEEES AND COSTS.

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For every order on petition out of court,	\$ 66	
every common motion,	75	
every dismission of a bill for want of prosecution,	1 34	
every decree,	2 50	
THE FEES OF MASTERS.(1)		Masters.
For every summons,	\$ 40	
copy of all charges and discharges brought before the master, and scheduling writings, for each sheet,	10	
every report in pursuance of an order made upon hearing a cause,	1 34	
every other report made upon petition or motion only,	67	
drawing every report, for each sheet,	14	
swearing a defendant to an answer or plea,	20	
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.		
EXAMINER'S FEES.(2)		Examiners.
For taking the examination of every witness, for each sheet,	\$ 20	
certifying every exhibit shown to a witness,	10	
CLERK'S FEES.(3)		Clerk in chancery.
For entering appearance of the defendant,	\$ 20	
copy of rule to answer, reply, or other rule,	12	
entry of every dismission,	50	
FEES OF SOLICITOR AND COUNSEL.		Solicitor, etc.
For a retaining fee,(a)	\$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 subpoena or attachment,	40	
drawing other process and writs, for each sheet,	20	
drawing notice of every motion, copy and service,	40	
every motion of course,	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 petition, or exceptions, or other special matter,	3 00	
counsel arguing upon the final hearing,	4 00	
(but no costs to be taxed for more than one counsel in a cause).		
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,(b)	80	
(but no more than three term fees to be allowed in any cause).		
FEES OF THE SERGEANT-AT-ARMS.(4)		Sergeant-at-arms.
For attending the court at each of its stated terms, for every day he shall attend, to be paid by the treasurer,	\$1 00	

(a) By the act of April 2, 1873, (P. L. 1873, p. 116), it is lawful for the chancellor, instead of the retaining fee, to allow and order paid to the counsel such sum as he may consider justly warranted, which allowance shall be included in the taxed bill. No retaining fee is allowed when a cause is

prosecuted by a party *pro se*, but term fees are allowed, *Hal. Dig. p. 240, § 8.*

(b) Only three term fees are allowed, *Andrews v. Ford, 2 Hal. Ch. 489.*

(1) The fees of masters in chancery upon special references in cases specified, are fixed by 161st rule of the court of chancery.

(2) For examiner's fees where suit for divorce is commenced by petition, see Title "DIVORCE," sec. 17.

(3) For the other fees of the clerk in chancery, see supra, Title "SALARIES," sec. 3 of an act entitled "An act fixing the compensation of certain public officers of the state," approved March 16, 1876, (P. L. 1876, p. 50).

(4) By an act of April 6, 1871, (P. L. 1871, p. 111), the sergeant-at-arms of the court of chancery, of the supreme court and court of errors, shall receive three dollars for each day he shall attend either of said courts.

FEES AND COSTS.

For attending every special sessions 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

Supreme court.

In the 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

Judge.

FEES TO BE PAID TO THE JUDGE WHO SHALL PERFORM THE SERVICE.

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, (See Sec. 9).	1 00
order of commitment of every person surrendered by or in discharge of his bail,	40

Counsel.

COUNSEL'S FEES IN THE COURT OF ERRORS AND APPEALS AND SUPREME COURT.

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

Attorneys.

FEES OF ATTORNEYS AT LAW.

For a retaining fee in each cause,	\$1 00
drawing every summons, capias or other mesne process,	34
drawing a warrant of attorney,	10
copy thereof,	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, venire 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

FEEES AND COSTS.

For 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 appeals, in order to make or oppose a motion,	1 00

FEEES OF THE CLERK OF THE SUPREME COURT IN CIVIL CASES.(1) Clerk.

For drawing every summons, capias, subpœna 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 non-suit,	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, demurrer 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

FEEES OF THE CLERK OF THE SUPREME COURT AND OF THE COURT OF OYER AND TERMINER AND GENERAL JAIL DELIVERY IN CRIMINAL CASES. Criminal cases.

For entering every indictment, and filing the same,	\$ 20
every process, subpœna, or other writ,	34
sealing the same,	14
every ticket for a subpœna,	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
taking and entering a general verdict,	20

(1) For the fees of the clerk of the supreme court after expiration of term of present incumbent, see Title "SALARIES," sec. 3, of an act entitled "An act fixing the compensation of certain public officers of the state," approved March 16, 1876, (P. L. 1876, p. 50).

FEES AND COSTS.

For 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 supreme 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 demurrer 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-general.

FEES OF THE ATTORNEY GENERAL.(a)

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 attachment, summons, capias ad respondendum, declaration in ejectment, or any mesne process ^(b) 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 capias ad satisfaciendum, ^(c)	\$1 50
returning every writ,	12

(a) When a defendant removes an indictment into the supreme court, and carries it down to the circuit for trial, the attorney for the state cannot tax his costs as in a civil action, but is only entitled to his regular fees, as in criminal cases, *State v. Reed*, 3 Hal. 178.

(b) This includes the fee for serving a *mandamus*, *Ferguson ads. State*, 2 Vr. 291.

(c) Upon serving a *ca. sa.* the sheriff is entitled to all his fees, including his centage upon the whole amount of the execution to be paid by the plaintiff, on the principle that the party is satisfied, 4 *Grif. Reg.* 1226.

For mileage on serving every writ or declaration in ejectment, two cents, out and in, for every mile, to be computed from the court house, (a) but the whole mileage shall in no case exceed two dollars; *provided*, that no mileage shall be allowed on a writ of fieri facias, partition, possession, restitution, seizin, venire facias, distringas or inquiry.

taking every bail bond,	\$ 50
serving venire facias or distringas, 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
executing every writ of inquiry, summoning the jury, 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; (b) when the execution is settled without actual sale, and such settlement is made manifest to the officer, the one-half of the amount of percentage allowed in cases of sale. (c)	
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

(a) Mileage is computed not from the court house of the county but from the house in which is to be held the court before whom the return is to be made, *Ferguson ads. State*, 2 *Vr.* 292.

(b) When the plaintiffs, having a mortgage on lands of the defendant, obtain judgment on their bond, and execution is placed in the hands of the sheriff, who levied on the mortgaged premises, and the premises are afterwards sold under *prior* executions, and are purchased by the plaintiffs for six cents an acre more than the amount of their mortgage, the sheriff is only entitled to centage upon the amount over and above the mortgage, *Black v. Ely*, 1 *Hal.*

232. If the proceeds of the property exceed the sum due thereon, he is entitled to centage only on the sum raised for the plaintiff, *Sinnickson v. Gale*, 1 *Harr.* 21.

(c) Whenever by payment of the execution, or otherwise, a sale is rendered unnecessary, he is entitled to one-half of the amount of percentage allowed in cases of sale, *Sturges v. Lackawanna Railroad Co.*, 3 *Dutch.* 424. Where several executions are issued to the sheriffs of different counties, on the same judgment, and each sheriff makes a levy, each one is allowed his centage upon the value of the goods levied on by him; and in case of dispute, the court will determine the value by affidavits taken under a rule, *Ibid.*

FEES AND COSTS.

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).(1)

Common pleas.

In the courts of common pleas.

Judges.

FEES TO BE DIVIDED AMONG THE JUDGES WHO ARE ATTENDING COURT WHEN
THE SERVICE IS PERFORMED.

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

Clerk.

FEES OF THE CLERKS.

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 non-suit,	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

Quarter sessions

In the courts of general quarter sessions.

Judges.

FEES TO BE DIVIDED AMONG THE JUDGES WHO ARE ATTENDING COURT, WHEN
THE SERVICE IS PERFORMED.

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.

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.(2)

For every recognizance,	\$ 25
a pass,	20

(1) By act of March 31, 1869, it is made the duty of the sheriff of Monmouth county to serve all subpoenas on the part of the state in criminal cases, and he shall be entitled to receive one dollar and twenty-five cents for each person subpoenaed; and by act of April 3, 1873, (P. L. 1873, p. 618), the sheriff of Monmouth receives thirty cents a day for victualling each prisoner in addition to the price fixed by law.

(2) For fees of justices of the peace, see Title "JUSTICES' COURTS," (P. L. 1871, p. 116).

FEEES AND COSTS.

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For 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

FEEES OF THE CLERKS.

Clerk.

For entering and filing an indictment,	\$ 16
every process, subpoena or other writ,	25
sealing the same,	14
every ticket for a subpoena,	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
For entering the allowance of every habeas corpus, writ of error or certiorari, and returning the same,	50
(but no costs to be allowed where the indictment is quashed, judgment arrested, or the defendant acquitted or discharged for want of prosecution).	

FEEES OF CORONERS.(1)

Coroners.

For a precept to summon a jury,	\$ 50
swearing the jury,	25
swearing every witness,	6
drawing and returning the inquisition,	2 00 [P. L. 1871, p. 32.]
taking examinations in writing, for each sheet,	14
(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.	

CRUER'S FEEES.(2)

Crier.

For calling every action,	\$ 9
calling a jury,	12
swearing a witness,	6
calling the plaintiff on a non-suit,	8
calling the defendant on a default,	8
calling the defendant on a recognizance,	8
calling the bail on a recognizance,	8
making proclamation to discharge a person,	8

(1) For other fees of coroners, vide ante, Title "CORONERS," p. 173, sec. 26. For mode of taxation of bills of fees, vide same act, sec. 27.

(2) For compensation of criers, vide Title "SALARIES." By act of April 3, 1873, (P. L. 1873, p. 562), the crier and sergeant-at-arms in Essex county is to receive three dollars for each day's attendance at court. By act of April 3, 1873, (P. L. 1873, p. 619), same compensation fixed for Camden county.

FEES AND COSTS.

Jurors.

FEES OF JURORS.

For every juror, for each action on which he is sworn or affirmed, including a writ of inquiry and coroner's inquest,	\$ 25
every juror who appears in a cause, but is not sworn or affirmed,	12
every juror going to, attending and returning from a view, for each day,	1 00
every juror from a foreign county, going to, attending at, and returning from court, being sworn or affirmed in a cause, for each day,	1 00
For every such juror who attends, and is not sworn or affirmed, to 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,(a)	\$ 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.(b)	
the secretary of this state, or any clerk attending on subpoena, 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 subpoena on each witness,	13

Constable.

FEES OF THE CONSTABLE,(1) WHEN NOT OTHERWISE ASCERTAINED BY LAW.

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. (See *Sec. 15*).
For serving a warrant in all criminal cases, upon conviction, \$ 60
attending prisoner during trial for larceny under six dollars, 25
before two justices,

3. 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, etc.

JUDGE OR OTHER OFFICER.

For taking every affidavit,	\$ 12
taking every acknowledgment or proof of a deed or conveyance,	50

(a) The plaintiff's attorney can not charge witness fees for himself, *Anonymous, Spen. 113*. A party may charge a *per diem* for the time his witnesses necessarily attended. The entry on the minutes of the court that they were sworn, is *prima facie* evidence of their attendance on the day the cause was noticed for trial and of their continuing until it closed. It may be shown, however, that they were sooner dismissed, or went away by consent, *Den v. Vanclave, 2 South. *719*.
(b) Mileage can only be charged for distances traveled within the state, *Den v. Johnson, 1 Gr. 156*. *Semble*, the court will notice distances, see *Ferguson ads. State, 2 Vr. 291*.

(1) For fees of constables, *vide post*, Title "JUSTICES' COURTS," (P. L. 1871, p. 116, sec. 1).

For 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 writ-
 ing 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

[SEC. 4 and 5 repealed. See PRACTICE OF LAW, Sec. 282].

4. SEC. 6. 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 cases.

5. SEC. 7. 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. (See Sec. 11). Penalty for illegal allowance.

[SEC. 8 and 9 repealed. See PRACTICE OF LAW, Sec. 283, 284].

Supplement.

Approved March 2, 1847. P. L. 1847, p. 150.

6. SEC. 1. That four cents for each book, and no more, be allowed for searching the records of deeds, mortgages, wills or other records, for each name, in case there shall be more than one book of such records in any one year. Fees for searches.

Supplement.

Approved March 7, 1866. P. L. 1866, p. 257.

7. SEC. 1. The clerks and registers of the respective counties of the state may, from and after the passage of this act, lawfully charge at the rate of ten cents per folio for the recording all deeds, mortgages, and assignments of mortgages; and may also charge twelve cents per folio for official copies and abstracts from the records and files of their respective offices when made by them. Fees of clerks for recording and for copies.

8. SEC. 2. The said clerks and registers may charge the sum of seventy-five cents for the registration of each and every mortgage by them registered after the passage of this act. Fee for registering mortgages.

[Sec. 3 repealed].

Supplement.

Approved April 3, 1868. P. L. 1868, p. 782.

9. SEC. 1. That the justice of the supreme court holding any circuit shall be entitled to receive in lieu of all other fees for services in the circuit court included in the taxable costs in any cause, the following fees, Fees of justice of supreme court, holding circuit.

which shall be allowed and taxed accordingly: on the return of every writ in the circuit, except subpoena and final process, two dollars; for the trial or hearing of every cause, three dollars; for signing every *postea*, two dollars; for signing every judgment, two dollars; for hearing every demurrer or *certiorari*, three dollars.

P. L. 1868, p. 796.

Supplement.

Approved April 7, 1868.

Fees of sheriffs of certain counties for certain services.

10. SEC. 1. From and after the passage of this act, the sheriffs of the counties of Salem, Cumberland, Sussex, Atlantic and Bergen, of this state, shall be allowed for crying every sale of personal property made by virtue of any execution, the sum of five dollars; for serving every execution two cents out and in for every mile, to be computed from the court house; and for every day engaged in attending the regular terms of the courts of the county the sum of three dollars per day.(1)

P. L. 1868, p. 1189.

Supplement.

Approved April 21, 1868.

Clerk not to incur penalty for illegal allowance unless act wilful.

11. SEC. 1. The seventh section of the act to which this is a supplement, shall be so construed that no forfeiture or penalty shall be incurred by, or recovered against any clerk, under the said act, unless it shall appear that the errors or errors made by him in the taxation of any bill of costs, were wilfully, knowingly and fraudulently allowed, and that no more than one penalty shall be recovered in any case upon one bill of costs, and that this act shall take effect immediately.

P. L. 1871, p. 37.

Supplement.

Approved March 14, 1871.

Preamble.

WHEREAS, the fees of the sheriffs of the several counties of this state are not uniform; and *whereas*, the said sheriffs have been and now are deprived of a large portion of the fees, revenues and emoluments heretofore pertaining to their said offices, by reason of the operation of an act of Congress, entitled "An act to establish a uniform system of bankruptcy throughout the United States;" therefore,

Supplement of April 7, 1868, extended to all counties.

12. SEC. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the provisions of an act entitled "A further supplement to the act entitled 'An act to regulate fees,'" approved April fifteenth, one thousand eight hundred and forty-six; approved April seventh, one thousand eight hundred and sixty-eight, be and the same is hereby extended to the several counties of this state.

Fees increased twenty-five per centum.

13. SEC. 2. That from and after the passage of this act, the following fees shall be allowed to the sheriffs of the several counties of this state, to wit: twenty-five per centum additional in each case for all services to be by them performed; *provided*, that this section shall only continue in force during such time as the said act entitled "An act to establish a uniform system of bankruptcy throughout the United States," shall remain in effect.

Proviso.

P. L. 1871, p. 101.

Supplement.

Approved April 6, 1871.

Counties to pay expenses in certain cases.

14. SEC. 1. That in all cases where any sheriff, coroner, constable or special deputy shall receive any bench warrant, state warrant, *capias ad testificandum*, or other compulsory process whatever, issued by any court of record or justice of the peace of this state, and to execute the same it shall become necessary for such officer to go beyond the limits of his county, the said officer shall receive from the county collector of said county in which said process is issued, his traveling and other expenses necessarily incurred in such service, whether he shall be able to execute the same or not; *provided*, a particular statement of said expenses shall be made out and sworn to by said officer, and the same certified to as reasonable and just by the prosecutor of the pleas and the presiding judge of the court of oyer and terminer of the county from which said process issued.

Proviso.

(1) Extended by act of March 30, 1869, (P. L. 1869, p. 898), to the sheriffs of the counties of Mercer, Passaic and Middlesex.

Supplement.

Approved April 2, 1873. P. L. 1873. p. 111.

15. SEC. 1. That hereafter the constables of the several counties of this state shall receive per day for each and every day engaged in attending the circuit court, court of oyer and terminer and general jail delivery, court of common pleas and general quarter sessions of the peace in their respective counties, the following fees: those residing within two miles of the court house, two dollars; those residing more than two miles from and within five miles of the court house, two dollars and fifty cents; those residing more than five miles from and within ten miles of the court house, two dollars and seventy-five cents; those residing more than ten miles from the court house, three dollars.

Fees of constables.

Supplement.

Approved March 27, 1874. P. L. 1874, p. 121.

16. SEC. 1. That from and after the passage of this act, supreme court commissioners shall be entitled to receive for their services the following fees and no more:

Fees of supreme court commissioners.

For making every order for bail, the sum of one dollar.

For taking every recognizance of bail, the sum of one dollar.

For approving every replevin bond, the sum of one dollar.

For ordering the entry of every judgment on bond and warrant of attorney, the sum of one dollar.

For taking testimony, the same fees as are now allowed to masters in chancery for like services.

Supplement.

Approved April 20, 1876. P. L. 1876, p. 224.

17. SEC. 1. That whenever more than one execution shall be issued out of the supreme court of this state upon any judgment recovered or docketed therein, each sheriff to whom such execution shall be directed and delivered shall be entitled to collect and receive from the defendant or defendants named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally divided among the several sheriffs in whose hands an execution in the same cause may have been placed.

Sheriff's fees, where more than one execution is issued out of supreme court.

An act concerning costs.

Approved April 16, 1846. R. S. 449.

[SEC. 1-10 repealed. See PRACTICE OF LAW, Sec. 265-281].

18. SEC. 10. 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 non-suit 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.

19. SEC. 11. 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 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

Plaintiff in error, when to pay costs.

non-suited 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.

20. SEC. 12. 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.^(a)

Writ of error quashed, plaintiff to pay costs.

21. SEC. 13. 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.

[SEC. 14 repealed].

Costs on dismissal of bill in equity.

22. SEC. 15. 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.

[SEC. 16-18 repealed. See PRACTICE OF LAW, Sec. 281].

An act to establish uniform fees of clerks and judges in naturalization cases, and to provide for the taxation of the same.

P. L. 1853, p. 427.

Approved March 11, 1853.

Fees of clerks and judges in naturalization cases.

23. SEC. 1. The several clerks of the courts of this state, which by law have jurisdiction in cases of naturalization, and the several judges of said courts performing services in such cases, shall, after the passage of this act, be entitled to demand and receive in naturalization cases, the following fees, and no more; for all services of any clerk upon the first application of an alien, including the oath or affirmation of such alien of his intention to become a citizen of the United States, the record and certificate thereof, delivered to such alien, the sum of twenty-five cents; for all services of any such clerk upon the completion of the proceedings necessary for any alien to become a citizen of the United States, including the record thereof, and a certified copy to be delivered to any person demanding the same, the sum of fifty cents; for all the services of any judge of said courts, required to be performed by him in such naturalization cases, including the oath and examination of the applicant and witnesses, and order that the applicant be admitted to citizenship, the sum of fifty cents.

Fees to be taxed on requirement in writing of party.

24. SEC. 2. All clerks and judges in this state, in such cases claiming any fees by virtue of their respective offices, shall, upon being required in writing by the party liable to pay the same, his agent or attorney, and on payment of the expenses thereof, have their fees taxed by some associate judge of such court, and that no clerk or judge shall collect any fees, after having been required as aforesaid to have the same taxed, without such taxation having been made, the fees of such taxation shall be fifty cents.

An act to regulate and establish a uniform rate of charges for legal advertising in New Jersey.

P. L. 1857, p. 381.

Approved March 20, 1857.

Price for publishing certain legal notices.

25. SEC. 1. The price for publishing any legal notice, sheriff's sale or any order, citation, summons, or any other proceeding or advertisement required by law to be published in any newspaper, shall be forty cents per folio (one hundred words) for the first insertion, and twenty cents per folio for each subsequent insertion after the first.

^(a) The proper method of doubling costs is to tax single costs and multiply them by two, *Shields v. Lozear*, 5 Vr. 530. *Mairs v. Sparks*, 2 South. *513, (g). Where error is brought upon a judgment by confession and judgment is affirmed, single costs only are recoverable, *Hastings v. Mayberry*, Coze 35. Where a trial has taken place before a judge, a jury being waived, a defendant in error who is successful, is not entitled to double costs, *Shields v. Lozear*, 5 Vr. 530. Upon the reversal of a judgment of the supreme court (reversing

a verdict at the circuit for the plaintiff at the circuit) said plaintiff is entitled to double costs in the supreme court, *June Term*, 1870. Upon the affirmance of a verdict rendered upon exceptions to the report of a referee, double costs were allowed, *Paulinson v. Halsey*, *June Term*, 1875. Upon the reversal of a judgment of the court of common pleas sustaining a demurrer to a plea in abatement, costs were denied both parties in error, *Garr v. Stokes*, 1 Harr. 410.

Supplement.

Approved March 6, 1863. P. L. 1863, p. 180.

26. SEC. 1. Hereafter the price for publishing in any newspaper the legal notices designated in the act to which this is a supplement, shall be sixty cents per folio of one hundred words, for the first insertion, and thirty cents per folio for each subsequent insertion after the first.

Price for publication of legal notices.

Supplement.

Approved April 13, 1876. P. L. 1876, p. 136.

27. SEC. 1. That the editor, proprietor or publisher of every newspaper in this state, shall print upon and publish with every advertisement required by law to be published in one or more newspapers in this state, a statement of the price established by law for such advertisement, which price shall be the legal amount due for such advertisement for the whole length of time that the same is required by law to be published; and it shall not be lawful for the owner, editor, proprietor or publisher of any newspaper to charge or receive the price of such advertisement or any part thereof unless the said statement of the price of such advertisement shall be published as herein directed.

Price for publishing shall be printed with every advertisement.

An act in relation to mileage.

Approved March 8, 1876. P. L. 1876, p. 27.

28. SEC. 1. That for serving any writ hereafter to be issued out of any court of law or of the court of chancery, no officer shall be allowed to receive or charge for mileage upon any greater number of miles than shall have been actually and necessarily traveled by him, from and to the court house of his county, in making such service.

Mileage to be allowed for serving writ.

Fences.

1. What a lawful fence.
2. How division fences made and repaired.
3. How place for the fence fixed.
4. Each party's share adjusted.
5. Rule where brook, etc., divides lands.
6. Partition fences not to be removed without notice.
7. But written agreements binding.
8. If committee cannot agree, may call in third person.
9. Persons neglecting to make their part of fence, liable.
10. Where persons do not keep up fence, shall not impound, or have damages.
11. If they injure beasts breaking in, liable in damages.
12. Remedy if cattle break lawful fence. Impounding.
13. What, if there be no pound.
14. Penalty if township committee neglect.
15. Their compensation and by whom paid.
16. Township clerk to provide book for registering agreements for division of fences, etc.
17. Copy of record evidence.
18. Penalty for failure to enter or register.
19. When fence divided, time to be specified when to be made.
20. Owners of low land meadow exempt from fencing against sheep.
21. Swinging gates part of a partition fence, a lawful fence.
22. To apply to private roads.
23. Damages by trespass, how appraised.

HEDGES.

24. Fences authorized in the road to protect hedges.
25. Overseer not to plough or dig within four feet of a hedge.
26. Penalty for violating this act.
27. Provisions of act extended to all evergreen or other hedges.

An act regulating fences.

Rev. 337.

Passed January 23, 1799.

R. S. 479.

1. That all fences, (a) consisting of posts and rails, timber, boards, brick or stone walls, shall be esteemed lawful, if four feet and two inches high; and all other fences shall be lawful if four feet and six inches high, measuring from the level or surface of the earth, and close, strong and sufficient to prevent horses and neat cattle from going through or under the same; and all fences, set in the line of partition between persons, either of whom improve their adjoining lands, shall be so close, strong and sufficient, as to prevent sheep from going through or under the same; and all ditches and drains made in or through salt marshes and meadows, for fencing and draining the same, being five feet wide and three feet deep,

What fences adjudged to be lawful.

(a) This section extends only to the owners of adjoining closes, *Chambers v. Matthews*, 3 Harr. 368.