

all school lands in said township of Hadl[e]y, if any such there be, as they would have had if this act had not been made.

*Provided, also,—*

*And be it further enacted,*

—as also of  
moneys, &c.

[SECT. 4.] That of all monies or other personal estate, belonging to said town, if any such they have, the inhabitants of the said district shall have and enjoy a proportion thereof, equal to the proportion they paid of the charges of said town, according to their last town tax.

*Provided, also,—*

*And be it further enacted,*

Proviso about  
the poor.

[SECT. 5.] That no poor persons residing in s[ai]d district, and who have been warned by the selectmen of said Hadl[e]y to depart said town, shall be understood as hereby exempted from any process they would have been exposed to if this act had not been made.

*And be it further enacted,*

Meeting to be  
called.

[SECT. 6.] That Eleazer Porter, Esq<sup>[r]</sup>, be and hereby is impowered to issue his warrant, directed to some principal inhabitant in s[ai]d district, requiring him to notify the inhab[itant]s of s[ai]d district to meet at such time and place as he shall appoint, to chuse all such officers as by law they are impow[er]ed to chuse for conducting the affairs of said district. [*Passed April 12; published April 14, 1753.*]

## CHAPTER 27.

AN ACT FOR ANNEXING CERTAIN LANDS WITHIN THIS PROVINCE, TO THE COUNTIES OF HAMPSHIRE, WORCESTER AND YORK.

*Be it enacted by the Lieutenant-Governour, Council and House of Representatives,*

Province lands  
to be annexed  
to the county of  
Hampshire.

[SECT. 1.] That all the lands within this province not belonging to any particular county, and lying westward of Connecticut River, and from said river to the utmost western bounds of the province, be and hereby are annexed to the county of Hampshire.

*And be it further enacted,*

To the county  
of Worcester.  
1730-31, chap. 8.

[SECT. 2.] That all the lands within this province adjo[y][i]ning to the county of Worcester, and not laid to any other county, be and hereby are annexed to the county of Worcester.

*And be it further enacted,*

To the county  
of York.

[SECT. 3.] That all the lands within this province lying eastward of the province of New Hampshire, be and hereby are annexed to the county of York. [*Passed April 12; published April 14, 1753.*]

## CHAPTER 28.

AN ACT FOR ESTABLISHING AND REGULATING FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED.

*Be it enacted by the Lieutenant-Governour, Council and House of Representatives, in General Court assembled,*

Fees estab-  
lished.

1750-51, chap. 8.

[SECT. 1.] That from and after the publication of this act, the establishment of the fees belonging to the several officers hereafter mentioned, in this province, be as followeth; viz<sup>[d]</sup>,—

## JUSTICE'S FEES.

- For granting a writ[t] and summons, or original summons, one shilling. Justice's fees.  
 Subpœna, for each witness, one penny halfpenny.  
 Entering an action or complaint, two shillings.  
 Writ[t] of execution, sixteen pence.  
 Filing papers, each, one penny halfpenny.  
 Taxing a bill of cost, threepence.  
 Entering up judgment in civil or criminal cases, ninepence.  
 Copy of every evidence, original papers or records, eightpence per page for each page of twenty-eight lines, eight words in a line: if less than a page, fourpence.  
 Each recognizance or bond of appeal, one shilling.  
 Taking affidavits out of their own courts in order for the trial of any cause, one shilling, and eighteen pence for his travel every ten miles, and so in proportion;—  
 in other cases, together with certificate, examining and entering, sixpence;—  
*in perpetuum*, to each justice, one shilling.  
 Acknowledging an instrum[en]t with one or more seals, provided it be done at one and the same time, one shilling.  
 A warrant, one shilling.  
 For granting a warrant, swearing apprizers relating to strays, and entering the same, one shilling and sixpence.

## CORONER'S FEES.

- For serving a writ[t], summons or execution, and travelling fees, the Coroner's fees.  
 same as by this act is hereafter allowed to sheriffs.  
 Bail bond, one shilling.  
 Every trial where the sheriff is concern[e]d, eightpence.  
 Taking an inquisition, to be paid out of the deceased's estate, eight shillings; if more than one at the same time, twelve shillings in the whole; if no estate, then, to be paid out of the county treasury, five shillings.  
 For travelling and expences for taking an inquisition, each day, four shillings.  
 The foreman of the jury, three shillings; and, ten miles accounted a day's travel, one shilling per day;—  
 every other juror, two shillings and sixpence, and travel the same as the foreman.  
 The constable, for his expences, summoning the jury and attendance, four shillings per diem.

## JUDGE OF PROBATE'S AND REGISTER'S FEES.

- For granting administration or guardianship,—  
 to the judge, three shillings.  
 To the register, for writing letter and bond of administration or guardianship, two shillings and sixpence. Judge of probate's and register's fees.  
 For granting guardianship of divers[e] minors to the same person and at the same time: to the judge, for each minor, one shilling and sixpence; to the register, for each letter of guardianship and bond, as before.  
 Proving a will or codicil[1]; three shillings and sixpence to the judge, and two shillings and sixpence to the register.  
 Recording a will, letter of administration or guardianship, inventory or acco[mp][un]t, of one page, and filing the same, one shilling and threepence;—  
 for every page more, of twenty-eight lines, of eight words in a line, eightpence.

- For copy of a will and inventory, for each page, eightpence.  
 Allowing acco[mp][un]ts, three shillings to the judge.  
 Decree for set[tl]ing of intestate estates : to the judge, three shillings ;—  
 for examining such acco[mp][un]ts, one shilling.  
 A citation, ninepence.  
 A *quietus* : to the judge, one shilling, to the register, one shilling.  
 Warrant or commission for appraising or dividing estates ; one shilling  
 and sixpence to the judge ; to the register, one shilling.  
 Making out commission to receive and examine the claims of creditors  
 to insolvent estates ; to the judge, one shilling, to the register,  
 one shilling : for recording, eightpence each page.  
 Registering the commissioner's report, each page, eightpence.  
 Making out and entring an order upon the administrators for the dis-  
 tribution of the estate ; to the judge, one shilling and sixpence,  
 to the register, one shilling.  
 For proportioning such estate among the creditors, agreeable to the  
 commissioner's return, when the estate exceeds not fifty pounds,  
 three shillings ; and, above that sum, four shillings.  
 For recording the same, eightpence per page.

### IN THE SUPERIOUR COURT.

#### JUSTICE'S FEES.

Justices of the  
superior court,  
fees.

- Entring an action, six shillings and eightpence.  
 Taking special bail, one shilling and sixpence.  
 Allowing a writ[t] of error, two shillings.  
 Allowing a *habeas corpus*, sixteen pence.  
 Taxing a bill of cost, eightpence.  
 Attorney's fee, to be allowed in the bill of cost taxed, where the case is  
 tried by a jury, twelve shillings ; where it is otherw[ays][ise],  
 six shillings.  
 Granting liberty for the sale or partition of real estates, one shilling.  
 On receiving each petition, one shilling.  
 Allowance to the party for whom costs shall be taxed, and to witness[es]  
 in civil and criminal causes, one shilling and sixpence per day,  
 ten miles' travel to be accounted a day ; and the same allowance  
 to be made to parties, as to witnesses at the inferiour courts,  
 courts of sessions and before a justice of the peace.

#### CLERK'S FEES.

Clerk's fees.

- A writ[t] of review, three shillings.  
 A writ[t] of *scire facias*, two shillings.  
 A writ[t] of execution, one shilling and sixpence.  
 A writ[t] of *facias habere possessionem*, two shillings and sixpence.  
 A writ[t] of *habeas corpus*, two shillings.  
 Copies of all records, each page, of twenty-eight lines, eight words in a  
 line, ninepence ; less than a page, sixpence.  
 Entring each action for trial, four shillings.  
 Entring each complaint, two shillings.  
 Each petition entred and read, one shilling.  
 Order on each petition granted, one shilling.  
 Receiving and recording a verdict, one shilling.  
 Entring a rule of court, ninepence.  
 Confessing judgm[en]t or default, one shilling.  
 Every action withdrawn or nonsuit, one shilling.  
 Entring an appearance, sixpence.  
 Acknowledging satisfaction of a judgment, on record, eightpence.  
 Examining each bill of cost, eightpence.

Continuing each cause, and entring the same next term, one shilling.  
 Filing each paper in each cause, one penny halfpenny.  
 Proving a deed in court, and certifying the same, one shilling.  
 Entring up judgm[en]t and recording the same at large, two shillings.  
 For each *venire*, to be paid out of the county treasuries, respectively, on  
 the justice's certificate[s], threepence.  
 Every writ[t] and seal other than before mentioned, two shill[in]gs.  
 Every subpœna, one penny halfpenny.  
 Each recognizance, one shilling.

## IN THE INFERIOUR COURT OF COMMON PLEAS.

## JUSTICE'S FEES.

Entr[ing][y] of every action, five shillings and fourpence.  
 Taxing a bill of cost, sixpence.  
 Taxing a recognizance on appeals, one shilling.  
 Proving a deed, one shilling.  
 Attorney's fee, to be allowed in the bill of cost taxed, six shillings.

Justices of the  
 inferior court,  
 fees.

## IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

Each day's attendance at the sessions, to be paid out of the fines, two  
 shill[in]gs and eightpence.  
 Granting every licen[s][c]e to innholders and retailers, one shilling,—  
 and taking their recognizances, one shilling.  
 Each recognizance in criminal causes, one shilling.

Court of general  
 sessions of the  
 peace.

## CLERK'S FEES.

Every action entred, one shilling and fourpence.  
 Every writ[t] and seal, sixpence.  
 Every appearance, fourpence.  
 Entring and recording a verdict, eightpence.  
 Recording a judgm[en]t, one shilling.  
 Copies of all records, each page, of twenty-eight lines, eight words in a  
 line, eightpence.  
 Every action withdrawn or nonsuit, eightpence.  
 Every execution, one shill[in]g and fourpence.  
 Confessing judgm[en]t or default, eightpence.  
 Acknowledging satisfaction of a judgm[en]t on record, eightpence.  
 A writ of *habeas corpus*, two shillings.  
 Continuing each cause, and entring at the next term, eightpence.  
 Each recognizance, one shilling.  
 Examining each bill of cost, sixpence.  
 Each *venire*, to be paid out of the county treasuries, respectively, by  
 order of court, threepence.  
 Writ[t] of *facias habere possessionem*, two shillings.  
 Filing each paper, one penny.

Clerk's fees.

## GOVERNOUR AND SECRETARY'S FEES.

For registers: to the governour, three shillings; to the secretary, two  
 shillings.  
 For certificates under the province seal: to the governour, three shil-  
 l[in]gs; to the secretary, two shill[in]gs.  
 For warrants of apprizements, survey, &c<sup>a</sup>: to the govern[ou]r, three  
 shill[in]gs; to the secretary, three shill[in]gs.

Governor and  
 secretary's fees.

To the governo[*u*]r, for a pass to the castle, for each vessel, one shilling: wood-sloops and other coasting vessels, for which passes have not been usually required, excepted.

For a certificate of naval stores, in the whole, three shillings.

SECRETARY'S FEES.

Secretary's fees.

For engrossing the acts or laws of the general assembly, six shill[*in*]gs each, to be paid out of the publick revenue.

Every commission for the justices of each county, and comm[*issio*]n of oyer and terminer, six shillings and eightpence, to be paid out of the publick revenue.

Special warrant or mittimus by order of the govern[*ou*]r and council, each, two shillings and sixpence.

Every commission under the great seal, for places of profit, six shill[*in*]gs and eightpence, to be paid by the person commissioned.

Every bond, three shillings.

Every order of council to the benefit of particular persons, two shillings.

Every writ[*t*] for electing of assemblymen, directed to the sheriff or marshal under the province seal, five shill[*in*]gs, to be paid out of the publick revenue.

For transcribing the acts or laws passed by the gen[*era*]l assembly into a book, eightpence per page,—each page to contain twenty-eight lines, eight words in a line, and so proportionably,—to be paid out of the publick revenue.

Every commission for military officers, to be paid out of the public treasury, two shillings.

CLERK-OF-THE-SESSIONS' FEES.

Clerk-of-the-sessions' fees.

Entering a complaint or indictm[*en*]t, one shill[*in*]g and fourpence.

Discharging a recognizance, eightpence.

Each warrant for criminals, one shilling.

Every summons or subpœna, twopence.

Every recognizance for the peace or good behaviour, one shilling.

For every recognizance, one shilling.

Entering up judgm[*en*]t, or entering satisfaction of judgm[*en*]t, o[*r*][*n*] record, and copying, one shilling.

Warrant for county tax, one shilling.

For minuting the receipt of each petition, and order thereon, and recording, eightpence per page, as before.

Examining and casting the grand jury's acco[*mp*][*un*]ts, yearly, and order thereon, to be paid by the county treasurer by order of the court of sessions, one shill[*in*]g and sixpence.

For copies of all records or original papers, eightpence per page, as before.

For filing each paper, one penny.

For transmitting to the selectmen of every town in the county a list of the names of the persons in such town licensed the year before, sixpence, to be paid by each person licensed, and no more.

SHERIFF'S OR CONSTABLE'S FEES.

Sheriff's or constable's fees.

For serving an original summons, one shilling.

Every cap[*i*][*e*]as or attachm[*en*]t in civil, or warrants in criminal, cases for trial, sixteen pence; and for travel out, one penny half penny per mile; and for the return of the writ[*t*] (the travel to be inserted on the back of the writ[*t*] or original summons), one penny halfpenny per mile.

Levying executions in personal actions, for the first twenty pounds or under, ninepence per pound; above that, not exceeding forty pounds, fourpence per pound; above that, not exceeding one hundred pounds, twopence per pound; for whatsoever it exceeds one hundred pounds, one penny per pound.

For travel out, one penny halfpenny per mile, and for the return of the execution, one penny halfpenny per mile; all travel in serving writ[t]s and executions, to be accounted from the officer's house who does the service, to the place of service, and from thence to the court-house or place of trial.

For giving livery and seizin of real estates, six shillings, travel as before: if of different parcels of land, four shillings each.

For serving an execution upon a judgm[en]t of court for partition of real estates, to the sheriff, five shillings per day; and for travel and expences, threepence per mile out from the place of his abode: and to each juror, two shillings per day; and for travel and expences, threepence per mile.

Every trial, eightpence.

Every default, fourpence.

A bail bond, eightpence.

For making out every precept for the choice of represent[at]ives, sending the same to the several towns, and returning it to the secretary's office, sixteen pence; to be paid out of the county treasuries, respectively.

To the officer attending the grand jury, each day, two shillings.

To the officer attending the petit jury, one shilling every cause.

For dispersing *venires* from the clerk of the sup[er]ior court, and the province treasurer's warrants, fourpence each.

For dispersing proclamations, sixpence each,

For the encouragem[en]t unto the sheriff to take and use all possible care and diligence for the safe keeping of the prisoners that shall be committed to his custody, he shall have such salary allowed him for the same as the justices of the court of gen[er]al sessions of the peace within the same county shall think fit and order; not exceeding ten pounds per annum for the county of Suffolk, and not exceeding five pounds per annum ap[er]t[er] in each of the other counties within the province: to be paid out of the treasury of such county.

#### CRYER'S FEES.

Calling the jury, fourpence.

A default or nonsuit, eightpence.

A judgment affirmed on a complaint, eightpence.

A verdict, eightpence.

Crier's fees.

#### TO THE CAPTAIN OF CASTLE WILLIAM.

For every pass from the govern[or] for outward-bound vessels (coasters, fishing and wood vessels excepted), one shilling.

Captain-of-the-castle's fees

#### GOALER'S FEES.

For turning the key on each prisoner committed, three shillings; viz<sup>t</sup>, one shilling and sixpence in, and one shilling and sixpence out.

For dieting each person, for a week, three shill[ing]s.

Jailer's fees.

#### MESSENGER-OF-THE-HOUSE-OF-REPRES[ENTAT]IVES' FEES.

For serving every warrant from the house of repres[entat]ives, wh[ic]h they may grant for arresting, imprisoning, or taking into custody any person, one shilling and sixpence.

Messenger-of-the-house-of-representatives' fees.

For travel, each mile out, twopence per mile.

For keeping and providing food for such person, each day, one shill[in]g and sixpence.

For his discharge or dismissal, one shill[in]g and sixpence.

GRAND JURORS' FEES.

Grand jurors' fees.

Foreman, per day, two shillings and sixpence.

Each other juror, two shillings.

PETIT JURORS' FEES.

Petit jurors' fees.

To the foreman, in every cause at the sup[er]ior court, two shill[in]gs ; to every other juror, one shill[in]g and sixpence.

To the foreman, in every cause at the inferio[r] court, or sessions, one shilling ; to every other juror, tenpence.

Except the county of Suffolk, which is to be regulated by the law relating to jurors, which pass'd *Anno* one thousand seven hundred and forty-nine.

FOR MARRIAGES.

Fees for marriages.

For each marriage, to the minister or justice officiating, four shill[in]gs. For recording it : to the town clerk, to be paid by the justice or minister, fourpence ; and to the clerk of the sessions, to be paid by the town clerk, twopence.

To the town clerk, for every publishm[en]t of the banns of matrimony, and entring thereof, one shilling.

Every certificate of such publishm[en]t, sixpence.

Recording births and deaths, each, twopence.

For a certificate of the birth or death of any person, threepence.

COUNTY REGISTER'S FEES.

County register's fees.

For entring or recording or copying any deed, conveyance or mortgage, for the first page, ninepence ; and eightpence per page for so many pages more as it shall contain, accounting after the rate of twenty-eight lines, of eight words in a line, to each page ; and proportionably for so much more as shall be under a page ; and threepence for his attestation on the original, of the time, book and folio where it is recorded : the fees to be paid at the offering the instrument ;—

and for a discharge of a mort[g]age, eightpence.

*And be it further enacted,*

Penalty for taking excessive fees.

[SECT. 2.] That if any person or persons shall demand or take any greater fee or fees, for any of the services aforesaid, than is by this law provided, he or they shall forfeit and pay to the person or persons injured, the sum of ten pounds for every offence, to be recovered in any court proper to hear and determine the same.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of three years from the publication thereof, and from thence to the end of the next session of the gen[er]al court, and no longer. [*Passed April 12 ; published April 14, 1753.*]

NOTES.—There were but three sessions of the General Court this year. The first session was held at Concord, on account of the small-pox which then prevailed in Boston. On the fifth of June the Assembly was prorogued to September 27th (16th, Old Style), but was again prorogued, by proclamation, August 28th, to meet at Harvard College on the twenty-second of November, following. The second day of this session, at the request of the House of Representatives, the Lieutenant-Governor ordered an adjournment to the courthouse at Boston, where the remainder of this, and the third, session were held.

The adoption of the Gregorian Calendar took effect this year : the day following the 31st of December was called January 1, 1752 ; and eleven days were struck out after the third day of September, which was reckoned the fourteenth. The act of parliament referred to in the following order, is reserved for the Appendix :—