

agreement to a verdict, and it shall be the duty of the court to provide them all suitable refreshments.

SEC. 10. This act to take effect and be in force from and after its passage. Approved February 15, 1842.

CHAPTER 64.

AN ACT to amend an act concerning costs and fees.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. When to take effect—Clerk's fees in Supreme and District Courts. That from and after the passage of this act, the fees and compensation to the several officers and other persons hereinafter mentioned, shall be as follows, to wit:

In the Supreme Court and in the District Courts of the Territory, the clerk's fees in all cases, to which the same apply respectively:

For issuing and sealing every writ not exceeding 300 words	\$.50
For each additional folio of 100 words.....	.12½
Docketing case, first time.....	.12½
Each subsequent time, not exceeding three times in each cause .....	.06¼
Entering judgment on a suit without process.....	.25
Entering cause on judgment docket.....	.18¾
Entering each order, or rule of court, for every continuance, rule to plead, default to plead, retraxit, non-suit, or discontinuance; or any other order actually entered in the progress of a suit, and counting the whole as one entry .....	.18¾
Filing each paper in a suit, except appeals from justices, and in no case shall such fees exceed twenty-five cents..	.06¼
Filing all papers in appeal or certiorari from justices....	.06¼
Issuing bail piece when required.....	.25
Entering special bail.....	.12½
Swearing and empanneling each jury.....	.18¾
Administering oath to each witness on trial.....	.06¼
Entering verdict of jury and judgment.....	.50
Entering satisfaction of judgment.....	.06¼
Issuing writ of execution.....	.25
Taxing costs.....	.25
Entering exonerator.....	.06¼
Entering surrender.....	.06¼
A commission to take deposition.....	.50
All motions in one suit.....	.18¾
[52] All the rules in one suit.....	.18¾
If there be only one.....	.06¼
A venire for a jury.....	.25
Making a complete record in each cause when ordered by the court, for every 100 words.....	.10
Copy of record when required, for 100 words.....	.10
Every certificate with seal.....	.25
A subpoena to include all the witnesses called for at the	

time of issuing.....	.25
Every search, except for witnesses and officers of court..	.12½
Filing record of appeal, writ of error, supersedeas, certiorari, or habeas corpus.....	.06¼
Taking security on any of the same.....	.12½
Assessment of damages.....	.18¾
A subpoena in chancery.....	.37½
Filing each bill, answer, replication, or other pleading in chancery.....	.06¼
Copy of any paper not herein provided for, every 100 words	.10
For administering oath in naturalization cases.....	.06¼
Filing papers in the same.....	.06¼
Certificate of application.....	.50
Certificate of naturalization.....	.50
Taking a recognizance.....	.25
Issuing and recording marriage license.....	1.00
Each bond required by law.....	.50

No fees shall be paid or demanded from grand or petit jurors, or witnesses, for issuing a certificate entitling them to fees as such. The county commissioners shall allow the sheriff and clerk of the District Court, any sum not exceeding thirty dollars per annum, for services in criminal cases, where the party is acquitted.

SHERIFF'S FEES.

Sheriff's fees. For serving any writ and the return thereof (subpoenas excepted) for one defendant.....	\$.50
Each additional defendant.....	.25
Every commitment to prison.....	.25
Discharge from prison.....	.25
Attending with a person before a judge or court, when required per day at any time not a regular term of court	1.00
Mileage in going with such person before said judge, going and coming, per mile.....	.04
Serving a writ of possession or restitution.....	.50
Serving the same with a posse comitatus.....	1.50
Copy of any paper required by law, for each one hundred words .....	.10
Serving and returning a subpoena for each person therein named.....	.18¾
Calling a jury in each cause.....	.12½
Summoning a grand and petit jury to be paid out of the county treasury, for each pannel.....	8.00
Traveling fees in cases required by law, going and returning, per mile.....	.04
Selling land or other property on execution, per day....	1.50
[53] Making and executing a deed for land sold on execution	1.00
Serving one person with an order of court, besides milage..	.12½
Summoning a jury in cases of forcible entry and detainer..	1.50
Serving an execution or order for the partition of real estate or assigning dower, besides mileage.....	1.00
Each appraiser of real and personal estate, per day.....	.50
Each bond required by law.....	.50

For collecting and paying over all sums under two hundred dollars, 2½ per cent; for all sums over two hundred and less than five hundred dollars, 2 per cent; and for all sums over five hundred dollars, 1 per cent.

Returning a writ not served.....	.06¼
Actual traveling in such cases going and coming, per mile	.04
Receiving a prisoner on surrender by bail.....	.25
Taking new bail.....	.50
Giving bail piece.....	.25
Dieting a prisoner, to be paid out of the county treasury where prisoner is insolvent, per day.....	.37½

The collector of the county revenue shall receive 5 per cent.

Abstract of assessment roll to be given to collector—notice to be posted up—contents of notices—where collector will attend—proviso—collector may be required to attend in townships, &c.—notice to be given of attendance. That the collector of taxes shall, between the first and fifteenth days of August annually, receive from the county commissioner's clerk an abstract of assessment roll of the taxes assessed by the county commissioners, and immediately after receiving the same he shall cause notices to be posted up in three or more of the most public places in each township or magistrates district throughout the county, one of which notices shall be at the place of holding general elections, stating in said notices what day (which time shall not be less than thirty days from the time of posting up said notices) said collector, or his deputy, will attend at the places of holding the elections in each township or district, for the purpose of receiving taxes, and the collector, or his deputy, shall attend, for the purposes aforesaid, on the day and at the place named in such notices, and shall attend at his office, at the seat of justice of the county, during the month of October to receive taxes from persons wishing to pay the same: provided, that the county commissioners shall at their meeting in July in any one year, if they shall deem it necessary for the convenience of the citizens of any township or townships, district or districts, to enable them to pay their taxes without attending at the county seat, may make an order requiring the county collector to attend two days in such township or district for the purpose of receiving taxes, and shall notify the collector thereof, and the collector shall be bound to attend accordingly, and shall state in the notices to be given as aforesaid on what days he will attend in said township or district for that purpose.

Compensation of collector. That the fees allowed to the collector, on his settlement with the county commissioners, for the collection of taxes, shall be five per centum on the first three thousand dollars; four per centum on all sums between three and four thousand dollars, and three per centum on any sum over four thousand dollars by him collected as aforesaid.

Compensation of sheriff. The sheriff shall be allowed by the county commissioners a sum of money, not less than ten dollars nor more than fifty dollars, for services rendered the county in delivering notices, and duties of that character for which no specific sum is provided by law.

[54] CORONER'S FEES.

Coroner's fees. For view of each body and for taking and returning inquest, to be paid by the deceased's estate when solvent.....\$5.00
 Every subpoena, warrant or venire..... .25
 For all other services the same fees as allowed to sheriffs in similar cases.

FEES OF MASTERS IN CHANCERY.

Fees of Masters in Chancery. For attending and hearing every argument on any subject referred to him, and reporting thereon.....	\$2.50
Reporting when proceedings are exparte.....	.37½
Taking each oath.....	.06¼
Advertising for a public sale.....	.31¼
Attending and making deed.....	1.50
Taking depositions, every 100 words.....	.12½
Issuing a writ, ne exeat or injunction.....	.50
Taking bond.....	.50
Mittimus .....	.25
Certificate .....	.25

FEES OF JUSTICES OF THE PEACE IN CIVIL CASES.

Fees of justices of peace in civil cases. For docketing each suit.....	\$.06¼
For a summons or warrant.....	.18¾
Precept for a jury.....	.25
Every subpoena including all witnesses asked for at the time .....	.18¾
Swearing a jury.....	.12½
Entering verdict.....	.12½
Taking and certifying any acknowledgment.....	.25
Justices of the Peace and clerks of Courts of Record are hereby empowered to administer an oath whenever the same is authorized by law, and for administering each oath they shall be allowed.....	.06¼
Certifying the same.....	.12½
Entering a judgment.....	.12½
Granting and issuing fee-bill.....	.25
Every rule of reference.....	.25
Every continuance or adjournment at the request of a party .....	.12½
Taking depositions, for every 100 words.....	.10
Certificate of the same.....	.12½
Taking bail, recognizance or security.....	.25
Every discontinuance or satisfaction.....	.12½
Entering amicable judgment.....	.25
Transfer of judgment.....	.25
Marrying, and making return thereof.....	2.00
Filing each paper required to be filed.....	.06¼
Provided, that the filing of all papers in one cause shall not exceed	1.00
Opening judgment after default.....	.12½
Taxing costs.....	.12½
Issuing writ of attachment.....	.37½
[55] For holding inquisition in cases of forcible entry and detainer, in addition to other fees, per day.....	1.00
Writ of restitution, including execution for costs.....	.25
Recording the proceedings in each case, per folio of 100 words .....	.10
Rule to take depositions when the witness is out of the Territory .....	.50

FEES IN CRIMINAL CASES.

In criminal cases. For a warrant, search warrant or commitment .....	.25
Taking recognizance .....	.25
Entering judgment for fine.....	.25
Discharging a prisoner.....	.18¾
For other services fees as in civil cases.	

CONSTABLE'S FEES.

In civil and criminal cases:	
For serving a summons, for each person therein named....	.25
For serving a warrant.....	.25
Copy of every summons.....	.12½
Traveling to serve process, computing from the place of service to the place of return, per mile.....	.08
Where two or more persons are served, mileage to be computed only from the most remote place unless they are in opposite directions.	
Serving a subpoena, besides mileage .....	.12½
Posting and copying attachment.....	.18¾
Commitment to prison, besides mileage.....	.25
Summoning a jury.....	.25
Attending on a jury.....	.37½
Advertising and selling property.....	.75
For notifying a plaintiff of the service of a warrant, besides mileage .....	.12½

WITNESSES' FEES.

Witnesses' fees. Each witness for a day's attendance before the District Court.....	\$1.00
Mileage going and coming, per mile .....	.04
The successful party shall in no case recover the costs of more than four witnesses against the other party unless the court or justice of the peace shall deem and certify a greater number to be necessary.	

JURORS' FEES.

Jurors' fees. Grand jurors, per day.....	\$1.00
Petit jurors for each cause in which they are sworn, to be paid by the successful party and taxed in the bill of costs against the losing party, each juror.....	.25

FEES OF NOTARY PUBLIC.

Fees of Notaries Public. For every protest of a bill of exchange or promissory note, registering seal, and other services	\$.75
[56] Attesting letters of attorney and seal.....	.50
Noting a bill of exchange for non-acceptance or non-payment .....	.25
Drawing and taking proof of acknowledgment of any legal instrument not exceeding two pages.....	1.00

FEES OF JUDGE OF PROBATE.

Fees of Judges of Probate. For granting letters of administration or proof probate of will.....	.50
When the same are contested.....	\$1.00
Appointing guardian to minors.....	.50
Decree for probate of a will when contested.....	1.00
When not contested.....	.50
Decree on settlement of an estate.....	.50
Examining and allowing an inventory, for the first page..	.25
Each succeeding page.....	.10
Any writ or process issued by him under seal.....	.25
Warrant to appraise or divide estate.....	.25
Allowing an appeal.....	.25
Approving securities of executor or administrator.....	.25
Assigning personal estate to widow.....	.25
Disallowance of application for letters of administration or probate of will, to be paid by the losing party....	.50
For every continuance, when asked by a party.....	.12
For bonds upon letters of administration or appointment of guardian .....	.50
Drawing a decree for the settlement of an estate.....	.50
Drawing order of distribution.....	.25
A quietus .....	.25
Filing each paper.....	.06 $\frac{1}{4}$
Administering an oath.....	.06 $\frac{1}{4}$
Recording all papers required by law to be recorded, for 100 words .....	.10
Copies of the same when required, per 100 words.....	.10
Appeal or other bonds.....	.50

COUNTY SURVEYOR'S FEES.

County surveyor's fees. For surveying and platting town lots, for each lot.....	.25
For every other service per diem.....	3.00

The survey of the county surveyor shall not be conclusive, but only prima facie evidence of correctness.

SEC. 2. **Compensation of sheriffs and other officers attending court.** The sheriff, his deputies and constables, who shall attend court under the seventeenth section of an act to which this is an amendment, shall be allowed one dollar per day, to be paid out of the county treasury.

SEC. 3. **Acts repealed and modified by this act.** The third, seventh, and nineteenth sections of the act to which this is an amendment, are repealed, with the exception of fees of District Attorney; the others are in full force, except so far as they are modified by this act.

SEC. 4. That this act shall take effect and be in force from and after the first day of August 1842.

Approved, February 15, 1842.

[57] CHAPTER 65.

AN ACT relative to the survey of the town of Marion.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. That the board of commissioners of Linn county, be and they