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IN MEMORY OF

JUDGE DOUGLASS BOARDMAN

FIRST DEAN OF THE SCHOOL

By his Wife and Daughter

A. M. BOARDMAN and ELLEN D. WILLIAMS

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A digest of fees of town and county offi



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A
DIGEST OF FEES
OF
TOWN AND COUNTY OFFICERS
IN THE
STATE OF NEW YORK.

PREPARED BY AUTHORITY OF THE

Board of Supervisors of Herkimer County.

BY

CLINTON A. MOON,
Counselor at Law.

THIRD EDITION.

ALBANY, N. Y.:
J. MUNSELL, STATE STREET.
1877.

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The Board of Supervisors of Herkimer County, in the State of New York, on the 26th day of November, 1872, adopted the following resolution on motion of Mr. Beals of Litchfield:

Resolved, That Clinton A. Moon be, and is hereby authorized to prepare a suitable number of pamphlets, of convenient form, containing a digest of fees and charges such as are legal claims in all town and county accounts, with brief reference to laws and authorities, and index complete, charging the same to the county of Herkimer."

The following digest was prepared in pursuance of the authority conferred by the foregoing resolution.

The 2nd Edition having been exhausted, a revised edition seems to be demanded. The errors and omissions discovered in the former editions have been corrected and supplied, and the changes made in the law up to the present time have been incorporated.

The references to the *Revised Statutes* are to the *Fifth Edition* unless otherwise noted.

CLINTON A. MOON.

NEWPORT, October 1877.

DIGEST OF FEES.

ACCOUNTS.

“No account shall be audited by any board of Town Auditors or Supervisors or Superintendents of the Poor, for any services or disbursements unless such accounts shall be made out in items, and accompanied with an affidavit attached to, and to be filed with such account, made by the person presenting or claiming the same, that the items of such account are correct and that the disbursements and services charged therein have been, in fact, made or rendered, or necessary to be made or rendered at that session of the board, and stating that no part thereof, has been paid or satisfied.”
1 *R. S.*, 835, § 51. *Same*, 855, § 37.

The affidavit to such account may be taken before any Supervisor of the County (*Laws* 1870, *ch.* 69), or any officer authorized to take affidavits. See “*Affidavits.*”

ACKNOWLEDGMENTS

May be taken within this State before Justices of the Supreme Court, Judges of County Courts, Mayors and Recorders of Cities, Commissioners of Deeds, Justices of the Peace and Notaries Public. 3 *R. S.*, 46, § 4. *Laws* 1859, *ch.* 360.

For taking acknowledgment of Bail in Supreme Court, Common Pleas, County or Mayor's Court, .....	.25
For taking of Satisfaction of Decree or Judgment of Supreme Court, County Court or Mayor's Court,.....	.37½

For taking proof or acknowledgment of Deed and drawing and signing Certificate, for one person,	.25
For each additional person,.....	.12½
For swearing each witness (3 <i>R. S.</i> , 915, § 10),..	.06

No *Judicial Officer*, except Justice of the Peace, shall receive to his own use any fees or perquisites of office. *Constitution*, art. 6, § 21.

A *County Judge* may receive for the *use of the County* the same fees allowed to a Justice of the Peace for services which may be rendered by Justices of the Peace or Commissioners of Deeds. 3 *R. S.*, 913, §§ 3 and 4.

ADMINISTRATORS

Appointed by Surrogate, to take oath of office and give bond,

For receiving and paying out not exceeding \$1,000,...	5 per ct.
exceeding \$1,000 and less than \$10,000,..	2½ per ct.
all sums exceeding \$10,000,	1 per ct.

And in all cases a just and reasonable allowance for actual and necessary expenses. *Laws 1863*, ch. 362, § 8.

The *County Treasurer* when acting as administrator is allowed double the above commissions. 3 *R. S.*, 218, § 71.

For the <i>sale of real estate</i> executors and administrators are allowed their expenses including for every deed prepared and executed by them,...	\$2.00
For each day necessarily occupied by them in such sale, to be allowed by the Surrogate, not exceeding (3 <i>R. S.</i> , 921),.....	2.00

ADVERTISEMENTS

(*Legal.*)

For publishing any notice, order, citation, summons, or other proceeding or advertisement required by law to be published,

Not more, per folio, for first insertion than,.....	.75
For each subsequent insertion,.....	.50
Except Session Laws not more per folio than,..	.50
As Supervisors shall determine. <i>Laws 1874, ch. 416.</i>	

AFFIDAVITS

May be taken before any Judge or Clerk of a Court of Record, Justice of the Peace, Commissioner of Deeds, or Notary Public. 3 *R. S.*, 474, § 38. *Laws 1859, ch. 360.*

For taking an affidavit before a Justice of the Peace (3 <i>R. S.</i> , 916, § 12, <i>Laws 1866, ch. 692, § 1</i>),	.10
For taking an affidavit before a County Judge (3 <i>R. S.</i> , 915, § 10 and 3 <i>R. S.</i> , 913, § 3,.....)	.12½
For taking an affidavit before a Commissioner of Deeds, Notary Public or County Clerk (3 <i>R. S.</i> , 915, § 10),.....	.12½

APPEALS

(*To Comptroller by Supervisor*).

The costs and expenses arising from or connected with an appeal from the action of a *Board of Supervisors* to the *Comptroller* shall be a town charge when the appeal is not sustained. *Laws 1873, ch. 327, § 15*; as amended, *Laws 1874, ch. 351, § 1.*

When sustained, by the other towns of the County. *Same.*

APPEALS

(*To County Court*).

To be brought within 20 days after judgment. When the claim for which judgment is demanded by either party in his pleadings shall exceed \$50, a new trial shall be had unless the appellant state in his notice of appeal that such appeal is taken on questions of law only. To the justice for making return on appeal,.... \$2.00

To the party entitled to costs when

A NEW TRIAL IS HAD IN THE COUNTY COURT :

For proceedings before notice of trial,.....	10.00
For subsequent proceedings before trial,.....	7.00
For trial of an issue of Law,.....	10.00
For trial of an issue of Fact,.....	15.00
For argument of motion for a new trial on a case,.....	10.00
For every term, not exceeding five, at which the appeal is necessarily on calendar, and is not tried or is not postponed by the court,...	7.00

IN OTHER APPEALS.

To the appellant on reversal,.....	15.00
To the respondent on affirmance (<i>Code</i> , § 371),	12.00

APPEALS

(*To Court of Appeals*).

If from an order affecting a substantial right, when such order determines the action and prevents a judgment, or grants or refuses a new trial, or strikes out any pleading, the appeal must be brought in sixty days: in other cases within one year after judgment.

To either party on appeal to Court of Appeals before argument,.....	30.00
“ for argument,	60.00
“ for preparing and serving a case,	20.00
“ for every term, not exceeding ten, excluding the term at which cause is argued in the Court of Appeals (<i>Code</i> , § 307),	10.00

APPEALS

(*To Supreme Court*),

From an inferior court, must be brought within two years after judgment.

From a judgment or order, in the same court, within thirty days after written notice of the judgment or order. To either party on appeal to the Supreme Court

	except from certain orders before argument,.....	20.00
“	for argument,.....	40.00
“	for every term, not exceeding five general terms, at which the cause is necessarily on the Calendar and is not tried or is postponed by order of the court (<i>Code</i> , § 307),	10.00

APPRAISER

Appointed by Surrogate on application of Executor or Administrator, and entitled to receive a reasonable compensation to be allowed by the Surrogate not exceeding, for each day employed, in addition to actual expenses necessarily incurred (*Laws 1873, ch. 225*),.....

		5.00
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ARBITRATOR.

The statutes make no provision for the fees of an Arbitrator. He is entitled to a reasonable compensation and it is usual to allow the same sum allowed to Referees, three dollars a day for each day.

ASSESSOR

Elected for three years, to file oath of office within ten days after notice of election.

Assessors shall receive, for each day's service performed by each (<i>Laws of 1870, ch. 242, §2</i>),	2.00
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ASSIGNEES

Of Non-Resident, Absconding, Insolvent, or Imprisoned Debtors are entitled to deduct out of

moneys in their hands all necessary disbursements, and a commission on the whole sum which will have come into their hands at the rate of (3 *R. S.*, 119, § 31),..... 5 per ct.

ATTACHMENT

(*Justices Court*).

Justice for issuing,.....25 cts.
 Constable for serving,.....75 cts.
 Constable for Copy of Attachment and Inventory, 75 cts.
 Constable for every mile traveled, going only, to be computed from defendant's abode, or where he shall be found, to place where the precept is returnable (*Laws of 1866, ch. 692, §6*), 10 cts.
 Constable entitled to 10cts. a mile for *going and returning* if he shall show by affidavit that such travel was necessary and actually traveled and that he had no other official or private business. *Laws of 1869, ch. 820, §§ 1 and 2.*

ATTACHMENTS

(*Supreme Court*).

Plaintiff entitled to *additional allowance* in an action in which a warrant of attachment has been issued,
 For an amount not exceeding \$200, 10 per ct.
 For any additional amount not exceeding \$400, 5 per ct.
 For any additional amount not exceeding \$1,000 (*Code, § 308*),..... 2 per ct.
 See "*Sheriff's Fees.*"

ATTORNEYS.

All statutes establishing or regulating the costs or fees of attorneys, solicitors and counsel in civil actions are repealed. *Code, §303.*

By § 471 of the *Code* certain proceedings therein mentioned were not affected by the *Code*; but *section*

3, *ch. 270, Laws of 1854*, provides that in *Special Proceedings*, and on appeals therefrom, costs may be allowed in the discretion of the court, and when allowed shall be at the rate allowed for similar services in civil actions.

It is supposed that the proceedings excepted from the operation of the Code by § 471, except mandamus, are "*Special Proceedings*," and come within the provision of chapter 270, Laws 1854, above cited. As to *Certiorari*, see 40 *How. Pr. Rep.*, 35.

See "*Lunatics*," "*Mandamus*," "*Mortgage Foreclosure*," and "*Costs* (in civil actions)."

AUCTIONEERS.

No auctioneer shall demand or receive a higher compensation for his services than a commission on the amount of sales, public or private, made by him unless by virtue of a previous agreement in writing between him and the owners or consignee of the goods sold, of (2 *R. S.*, 463, § 36), 2½ per ct.

AUDITORS

(*Town*),

To consist of three persons to be elected annually. For each day's service performed by each (*Laws 1875, ch. 180*), 3.00

AUDITORS

(*Appointed by Surrogate*).

Surrogate may appoint one or more to examine accounts presented to him.

For each day, a reasonable allowance to be paid out of the estate of the deceased, not exceeding (3 *R. S.*, 180, § 70), 2.00

BASTARDY.

The fees allowed by law for services under the statute entitled "Of the support of bastards" are as follows :

To JUSTICES :

A warrant of arrest, .....	.50
Endorsing such warrant, issued from another County,.....	.25
Drawing Bond, .....	.25
Warrant of Commitment, .....	.25
A Summons, .....	.25
A Subpœna, including all names inserted,.....	.25
Taking and certifying the acknowledgment of any instrument required to be acknowledged, .....	.25
Administering an oath, .....	.10
For services when associated with another Justice, for each day actually and necessarily spent,	2.00

To CONSTABLES :

Serving warrant, .....	.50
For arresting and committing any person pursuant to process,	1.00
For every mile traveled (going only) in each case, .....	.10
<i>Laws 1866, ch. 692. See "Constables."</i>	

To WITNESSES :

For each day's actual attendance,.....	.50
If witness resides more than three miles from place of attendance, per mile going and returning (<i>Laws of 1840, ch. 386, §8, N. Y. Civil and Criminal Justice, 746</i>),.....	.04

BEGGARS AND VAGRANTS.

The fees allowed by law under the statute "of Beggars and Vagrants" are Town charges as follows :

To JUSTICES :

Warrant of arrest,.....	.25
Administering an oath or affirmation,.....	.10
Subpœna, including all names,.....	.25
Record of conviction and filing same,.....	.75
Warrant of commitment,.....	.25
Examination of accused for each day,.....	1.00
Every necessary adjournment,.....	.25

To CONSTABLES :

For serving warrant,.....	.50
For every mile traveled, .....	.10
Taking defendant on a Mittimus,.....	.25
Taking defendant to Jail or Poor House, for every mile traveled, going only,.....	.10
<i>Laws of 1866, ch. 692. See "Constables."</i>	

WITNESSES :

For each day's actual attendance,.....	.50
If witness resides more than three miles from place of attendance, per mile, going and return- ing (<i>Laws of 1840, ch. 386, §8</i>),.....	.04

BOARD OF ALMS

(Of Little Falls.)

To be constituted of Supervisor, President of the Village and Commissioner of Alms, elected annually at Town Meeting. Board to appoint a Treasurer and Overseer of Alms. *Laws of 1862, ch. 4.*

The Board may allow for their own services per annum, to be apportioned among them as a majority may direct, a sum not exceeding (<i>Same, §9</i>),.....	100.00
Board may determine compensation of the Overseer of Alms which shall not exceed, per annum,.....	300.00

Also of the Treasurer not to exceed, per annum
 (*Same*, §4)..... 30.00

The compensation of such Officers to be apportioned by the Board of Supervisors to the Town and County in the ratio of the amount expended for the relief of the Poor chargeable to the Town and County respectively. *Same*, §8.

BOARDS OF EXCISE.

(See "*Commissioners of Excise.*")

BOARDS OF HEALTH.

Common Council in Cities, and Trustees of incorporated Villages, to appoint not less than three, nor more than seven, and a competent Physician. 2 *R.S.*, 53, §12.

The Supervisor and Justices of the Peace or the major part of them in each town, shall be a Board of Health who shall appoint some competent physician to be Health Officer. *Same*, §13.

For services the Supervisor and Justices are each entitled per day to (*Laws of 1870, ch. 242, §2*), 2.00

The compensation of the Health Officer is fixed by the Board. *Laws of 1867, ch. 790, § 1. 2 R. S., 53, § 14.*

The expenses incurred under the act are a charge only on the City, Village, or Town as the case may be. *Laws of 1868, ch. 761, § 1.*

For fees of *Sheriffs* and *Constables* under this act, see those titles.

BOARD OF SUPERVISORS.

(See "*Supervisors.*")

BOND.

Justice's fee for drawing any bond, in Civil Cases
 (*Laws of 1866, ch. 692, § 1*),25
 In Criminal Cases (*Same, § 3*),..... .25

BOUNTIES

(For Destruction of Wild Beasts).

Board of Supervisors have power to make such laws and regulations as they may deem necessary, for destruction of wild beasts, etc. 1 R. S., 851, § 12, sub., 13.

For each and every wolf killed in Herkimer County there is a County Bounty of (See Proceedings of Board of Supervisors of Herkimer County, 1864, p. 6),	15.00
There is a State Bounty for each full grown wolf,	30.00
For a pup wolf,	15.00
For a panther (<i>Laws</i> 1871, ch. 721, § 39),.....	20.00

CATTLE LAW.

It is not lawful for any cattle, horses, swine, sheep or goats to run at large in any public place or highway, and it is the duty of every Overseer of Highways, within his road district, and every Street Commissioner in any incorporated Village, to seize and take into his possession any animal so at large. *Laws* 1872, ch. 776.

Penalty payable to Overseer of Poor for every horse, swine or cattle,.....	5.00
sheep or goat,.....	1.00
If such running at large is caused by the wilful act of another than the owner, to be recovered by owner or person making seizure (<i>Laws of</i> 1869, ch. 424, § 2),.....	20.00

The costs of proceedings under this statute are the same as allowed in civil actions with the following additions :

To the party or officer making such seizure, for every horse or colt, each,.....	1.00
For every cow, calf or other cattle, each,...	.50
For every goat, sheep or swine, each,.....	.25

Together with actual damages to party and reasonable compensation for care and keeping. *Laws* 1867, ch. 814, § 3.

CERTIFICATE.

See "*Acknowledgment*," "*Clerk*," "*Justice of the Peace*."

CERTIORARI.

To Justice of the Peace for return to any writ of Certiorari to be paid by the County (*Laws of* 1866, ch. 692, § 4),..... 2.00
 See "*Sheriffs*," "*Constables*," and "*Attorneys*."

CHATTEL MORTGAGES.

To Clerks authorized to file and enter Chattel Mortgages :

For filing every such mortgage,..... .06
 For entering the same in books as required by law (3 *R. S.*, 224, § 20),..... .06

CLERKS OF BOARDS OF SUPERVISORS

Are entitled to a reasonable compensation for their services to be fixed by the Board. 1 *R. S.*, 858, § 51.

For a certified copy of every account on file in his office, for every folio of 128 words (1 *R. S.*, 859, § 58),..... .06

CLERKS OF THE POLLS

Shall receive for each day's service performed by each (*Laws of* 1870, ch. 242, § 2),..... 2.00

COLLECTOR

(*Appointed by Surrogate*).

Is authorized to collect and secure the debts and personal estate of a deceased person, at such reasonable expense as the Surrogate may allow. 3 *R. S.*, 161, § 39.

COLLECTOR

(Of Taxes).

For collecting and receiving taxes within thirty days from posting notices required by law, when the aggregate amount to be collected by warrants when put into their hands exceeds \$2,000 (1 R. S., 917, §1),.....	1 per ct.
When the amount does not exceed \$2,000 (Same, 918, § 2);.....	2 per ct.
For all taxes collected after the expiration of said thirty days,.....	5 per ct.
For all Unpaid taxes returned to County Treasurer to be paid by said County Treasurer (Same § 4),.....	2 per ct.

COLLECTOR

(Of School District).

For all taxes voluntarily paid within two weeks,	1 per ct.
For all sums collected after the expiration of two weeks,.....	5 per ct.
In case of levy and sale, travel fees per mile from School House (Laws 1864, p. 1264, §84),	.10

COMMISSIONERS OF EXCISE.

In Towns to be elected at town meeting. In Cities three persons appointed by the Mayor and Board of Aldermen.

In Towns each member is entitled per day to (Laws 1874, ch. 444, § 1),.....	3.00
In Cities each is entitled to a salary not exceeding (Laws of 1870, ch. 175, §§ 2 and 7),	2500.00

COMMISSIONERS OF HIGHWAYS.

For each day actually and necessarily spent in the discharge of official duty (<i>Laws of</i> 1870, <i>ch.</i> 242, § 1),.....	2.00
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COMMISSIONERS FOR LOANING MONEYS OF
UNITED STATES

May retain out of the interest of the moneys committed to their charge, respectively, in each and every year after the following rates:

Upon \$25,000 or a less sum,.....	$\frac{3}{4}$ of 1 per ct.
Upon the further sum of \$25,000 or less,	$\frac{1}{2}$ of 1 per ct.
Where the whole sum shall exceed \$50,000,	$\frac{1}{2}$ of 1 per ct.
Except in County of N. Y., in which County upon all sums exceeding \$50,000 (1 <i>R.S.</i> , 695, § 20),.....	$\frac{1}{2}$ of 1 per ct.

COMMISSIONERS

(*To make Partition or Admeasure Dower*),

For each day's actual and necessary service, each (3 <i>R. S.</i> , 922, § 26),.....	2.00
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CONSTABLES.

SERVICES IN CIVIL ACTIONS :

For serving summons,25
For serving warrant,.....	.25
For copy of summons on request of defendant or left at his residence in his absence,.....	.15
For serving an <i>attachment</i>, .....	.75
Copy of <i>attachment and inventory</i> left at the last place of residence of defendant, .....	.75
For serving an <i>execution</i> for every dollar col- lected, to the amount of \$50, .....	.05
For every dollar collected over \$50,.....	.02 $\frac{1}{2}$
For attending before another justice when ori- ginal justice a witness (<i>Laws</i> 1875, <i>ch.</i> 334),.....	1.00

CONSTABLES.

19

For notifying plaintiff of service of <i>warrant</i>.....	.25
For <i>subpœnaing</i> witnesses, not exceeding four,.....	.25
For <i>summoning</i> a Jury, .....	.75
For summoning Jury to <i>assess damages</i> in proceedings relative to highways,.....	2.00
For serving <i>affidavit, notice</i> and <i>summons</i> in proceedings to recover possession of personal property,.....	50
For a <i>copy</i> of such affidavit, notice and summons,	50
For taking charge of a <i>Jury</i> ,.....	50
For every mile traveled to serve <i>summons, warrant, attachment</i> or <i>execution</i> (in case no affidavit is made that the officer had no other official or private business) <i>going only</i> , the distance to be computed from the place of abode of the defendant, or where he shall be found, to where the precept is returnable (<i>Laws 1866, ch. 692, § 6, amended 1869, ch. 820</i>),	.10
For every mile traveled <i>going and returning</i> to serve <i>summons, warrant, attachment</i> or <i>execution</i> (in case affidavit is made that the officer had no other private or official business and that the number of miles charged were actually and necessarily traveled on the one process) (<i>Laws 1869, ch. 820, §§ 1, 2</i>),.....	.10
For every mile traveled, <i>going only</i> , in notifying plaintiff of the service of a warrant (in case no affidavit is made as in case of summons, etc.),	.10
In case such affidavit is made for each mile traveled, <i>going and returning. (Same)</i> ,.....	.10
IN SPECIAL PROCEEDINGS.	
For serving a <i>summons</i> ,.....	.25
For serving a <i>warrant</i>, .....	.50
For <i>arresting</i> and committing any person pursuant to process,.....	1.00
Every mile traveled <i>going and returning</i> (in case proof is made as in civil cases),.....	.10

In case no such proof is made for each mile traveled, <i>going only</i> (<i>Laws 1866, ch. 692, § 7, as amended, 1869, ch. 820</i>),.....	.10
For <i>summoning a Jury</i> in case of the <i>laying out or altering a road</i> for summoning each Juror to be paid by the applicant, .....	.10
For each mile actually and necessarily traveled in summoning such Jury (<i>Laws 1873, ch. 315, § 6</i>),	.10
Advertising any property distrained for doing damage or levying a fine, penalty or sum pursuant to any warrant, the same fees as are allowed for similar services on executions from Justices' Courts. 3 <i>R. S.</i> , 927, § 39.	

IN CRIMINAL CASES :

For serving a warrant in a Criminal Case (if an arrest is made (<i>1 Denio, 658</i>)),.....	.75
For every mile traveled (if an arrest is made) <i>going and returning</i> (<i>Laws 1877, ch. 89</i>),.....	.10
For taking defendant into custody on a <i>Mittimus</i> ,	.25
Mileage same as for warrant, each mile,.....	.10
For taking charge of a <i>Jury</i> ,.....	.50
For <i>attending court</i> pursuant to notice from Sheriff, for each day,.....	2.00
For each mile traveled in going to and returning from such court payable by County Treasurer on Clerk's certificate (<i>Laws 1869, ch. 820</i>),	.05
For serving a <i>Subpœna</i> for each witness,.....	.25
Mileage on distance actually and necessarily traveled, <i>going and returning</i> , to serve subpœna on all the witnesses and <i>not</i> separate mileage for each witness for each mile (3 <i>R. S.</i> , 1046, § 4),	.05
Notifying complainant, ..	.25
Mileage going and returning, .....	.05
Keeping prisoner per day (<i>Laws 1877, ch. 89</i>),	1.00
The Board of Supervisors may allow such further compensation for the service of process and the trouble	

and expense attending the same as they shall deem reasonable. 3 R. S., 1047, § 4.

For other services in Criminal Cases, for which no compensation is specially provided by law, such sum as the Board of Supervisors of the County shall allow. 3 R. S., 1047, § 4.

In all cases in which a specific compensation for any service is not provided by law, the officer or person presenting an account therefor shall also exhibit in writing a just and true statement of the time actually and necessarily devoted to the performance of such services. 1 R. S., 902, § 2.

No travel fees shall be allowed for traveling to subpœna witnesses beyond the limits of the County or an adjoining County unless the Board auditing the account shall be satisfied *by proof* that such witness could not be subpœnaed without such additional travel; nor shall any travel fees for subpœnaing witnesses be allowed except such as the Board auditing the account shall be satisfied were indispensably necessary. 1 R. S., 856, § 40.

CORONERS

(*Compensation a County Charge*).

Mileage to the place of inquest and return, per mile, .....	.10
Summoning and attendance upon Jury,.....	3.00
Viewing body,	5.00
Service of subpœna, per mile traveled,.....	.10
Swearing each witness,.....	.15
Drawing inquisition for Jurors to sign,.....	1.00
Copying inquisition for record, per folio, one copy only,.....	.25
For making and transmitting statement to Board of Supervisors, each inquisition,.....	.50
For warrant of commitment,.....	1.00

For arrest and examination of offenders, fees the same as Justices of the Peace in like cases.

Shall receive for each day and fractional part thereof spent in taking an inquisition (except for one day's service),.....	3.00
For performing requirements of law in relation to <i>wrecked vessels</i> per day, and fractional part thereof,	3.00
A reasonable compensation for all official acts performed, and mileage to and from such wrecked vessels per mile, .....	.10
For taking <i>ante-mortem</i> statement per day, and fractional parts thereof,	3.00
Mileage to and from the place, per mile, .....	.10
For taking depositions of injured person <i>in extremis</i> ,	1.00
Have power to employ <i>two surgeons</i> the compensation therefor to be a county charge.	
When, in consequence of the performance of official duties, he becomes a <i>witness</i> in a criminal proceeding he shall be entitled to receive mileage to and from place of residence, per mile, ...	.10
For each day, or fractional part thereof, actually detained as such witness,.....	3.00
When required to perform duties of Sheriff same fees as Sheriff in like cases.	
Shall be reimbursed for all moneys actually and necessarily paid out by him in the discharge of official duties as shall be allowed by the Board of Supervisors. <i>Laws 1873, ch. 833, as amended Laws 1874, ch. 535.</i>	
For <i>confining Sheriff</i> in any house on Civil process for each week, to be paid by Sheriff, before he shall be entitled to be discharged from such confinement (3 <i>R.S.</i> , 927, §38),.....	2.00
Before auditing accounts of Coroners, Supervisors to require a written statement under oath, containing	

an inventory of articles found with or upon all persons upon whom inquests have been held. 3 *R.S.*, 1037, §12.

COSTS

(*In Civil Actions*).

When allowed, costs shall be as follows :

To the <i>plaintiff</i> for all proceedings before notice of trial in actions where judgment on failure to answer can be taken without application to the Court,.....	15.00
Where judgment can only be taken on such application, ..	25.00
For all proceedings <i>after notice</i> of and <i>before trial</i> ,	15.00
For each <i>additional</i> defendant served with process, not exceeding ten,.....	2.00
And for each necessary defendant in excess of that number served with process,.....	1.00
To the <i>defendant</i> for all proceedings before notice of trial,.....	10.00
And for all proceedings after notice of and before trial,.....	15.00
To <i>either party</i> , where a new trial shall be had for all proceedings after the granting of, and before such new trial,.....	25.00
For attending upon and taking deposition of a witness <i>conditionally</i> or attending to <i>perpetuate</i> his testimony,.....	10.00
For drawing <i>interrogatories</i> to annex to a commission for taking testimony,.....	10.00
For attending the examination of a <i>party</i> before trial,.....	10.00
For making and serving a <i>case</i> or case containing exceptions,.....	20.00
Except that where the case shall necessarily contain more than 50 folios there shall be allowed, in addition thereto,.....	10.00

For making and serving amendments thereto,...	10.00
To the <i>plaintiff</i> for the appointment of a guardian of an infant defendant,.....	10.00
No more shall be allowed for the appointment of guardians in any one action than,.....	10.00
To the <i>plaintiff</i> for procuring an order of <i>injunction</i> ,	10.00
To <i>either party</i> for the trial of an issue of <i>law</i> ,....	20.00
For every trial of an issue of <i>fact</i> ,.....	30.00
When trial shall necessarily occupy more than two days, in addition thereto,.....	10.00
To <i>either party</i> on appeal, except in Court of Appeals and except appeals from certain orders, before argument,.....	20.00
For argument,.....	40.00
Before argument on application for judgment upon <i>Special Verdict</i> , or upon verdict subject to opinion of the Court, or for <i>new trial</i> on case made and in cases where exceptions are ordered to be heard in the first instance at a General Term,	20.00
For <i>argument</i> in such cases,.....	40.00
On <i>appeal</i> to <i>Court of Appeals</i> before argument,..	30.00
For argument,.....	60.00
When judgment <i>affirmed</i> the Court may, in its discretion, award damages for the delay, on the amount of the judgment, not exceeding,...	10 per ct.
For preparing and serving a <i>case</i> or case containing exceptions in appeals to Court of Appeals,	20.00
For every <i>Circuit</i> or <i>Term</i> not exceeding five Circuits, five <i>Special</i> and five <i>General Terms</i> , at which the cause is necessarily on the Calendar, and is not tried or is postponed by order of the Court,.....	10.00
And for every term, not exceeding ten, excluding the term at which the cause is argued in the Court of Appeals (<i>Code</i> § 307),.....	10.00

- In addition to these allowances there shall be allowed to the *plaintiff* upon the recovery of a judgment by him, in any action for the *partition* of real property, or for the *foreclosure* of a *mortgage* or any action in which a *warrant* of *attachment* has been issued, or for an adjudication upon a *will* or other instrument in writing and in proceedings to compel the determination of claims to *real* property on the recovery for any amount, not exceeding \$200,..... 10 per ct.
- For an additional amount not exceeding \$400, an additional sum of..... 5 per ct.
- And for any additional amount, not exceeding \$1,000 an additional sum of..... 2 per ct.

If actions above named be *settled* before judgment therein like allowances upon amount paid or secured at *one-half* rates above specified. *Code*, § 308.

- In *difficult* and *extraordinary* cases, where a defense has been interposed, or trial had, and in proceedings for the *partition* of real estate the court may in its discretion make further allowance to any party not exceeding,..... 5 per ct.
- And in an action for the *foreclosure* of a *mortgage*, the court may make a like allowance not exceeding (*Code*, § 309), 2½ per ct

The CLERK SHALL RECEIVE,

On every <i>trial</i> , from party bringing it on,	1.00
On entering judgment by filing <i>transcript</i> ,	.06
On <i>entering judgment</i>, .....	.50
Except where the clerks are salaried officers, then,	1.00
Copies of papers, per folio,.....	.05
<i>Referees'</i> fees, for each day,	3.00
On application to court or referees to <i>postpone</i> a trial, not exceeding, besides witnesses' fees,	10.00

Costs on a *motion* in discretion of the court or judge not exceeding (*Code*, §§ 312, 313, 314, 315), 10.00

See "*Appeals (To County Court)*."

See "*Justices of the Peace*."

Costs on entry of judgment by *confession* in Supreme Court together with disbursements (*Code*, § 384),..... 5.00

Costs in *proceedings supplementary to execution* may be allowed to the judgment creditor, or to any party examined, in addition to disbursements, not exceeding (*Code*, § 301), 30.00

In all civil actions prosecuted in the name of *the people*, by an officer duly authorized, the people are liable for costs the same as private parties. (*Code*, § 319).

COSTS

(*In Justices' Court*).

Judgment in this Court is rendered with costs of suit.

The whole amount of costs to be included in judgment is in most cases limited to..... 5.00

The following are *exceptions* and may be included in judgment although the amount of costs exceed \$5.

Charges for the attendance of witnesses from another County:

The costs of each additional adjournment, when the suit is adjourned more than once, at the request and on motion of party against whom judgment is rendered:

In all cases where *issue is joined* and trial had and the amount recovered shall exceed \$50, or if the plaintiff shall claim in his complaint a sum exceeding \$50, and the defendant shall recover judgment, the prevailing party shall be entitled to costs, exclusive of witnesses' fees, not exceeding (*Laws 1866, ch. 692, § 2*),..... 10.00

For the items of these costs see *ch. 692, Laws of 1866*, and also "*Constables*," "*Jurors*," and "*Justices of the Peace*."

DOUBLE COSTS.

When judgment is rendered for the defendant he is entitled to recover the amount of his taxed costs and one-half in addition thereto, when the action is against *public officers* for any acts done by virtue of their office, or for any omission to do any act, which it was their official duty to perform; or when the action is against any other person for doing any act by commandment of, or in aid of any such officer.

Also in actions against any person for taking any *distress*, making any *sale* or doing any other act by authority of any statute of this State. 3 *R. S.*, 908, § 4.

COUNTY CANVASSERS.

The Board of County Canvassers consists of the Supervisors or Assessors to whom the original statements of the Canvass of votes in the Towns or Wards, to which they respectively belong, shall have been delivered. The County Clerk or in his absence his deputy is Secretary of the Board.

Each <i>Supervisor</i> for each day's full service during the Session of the Board,.....	3.00
Mileage per mile (<i>Laws 1869, ch. 855, § 8</i>), .....	.08
Each <i>Assessor</i> , per day (<i>Laws 1870, ch. 242</i>),.....	2.00

COUNTY CLERK,

For attendance,	2.00
For drawing necessary <i>certificates</i> of the result of the canvass, per folio, .....	.18
For each copy, per folio,.....	.09
For recording such certificates per folio (3 <i>R. S.</i> , 918. 2 <i>R. S.</i> , 636, 1st ed.), .....	.10

COUNTY CHARGES.

The following are County Charges :

The compensation of the Board of Supervisors and their Clerk, the County Treasurer, the District Attorney, Criers of the several Courts, County Judge, Surrogate, Coroners, County Superintendents of the Poor ; Sheriffs for the commitment and discharge of prisoners on Criminal process ; of Constables for attending Courts of Record, for executing process on persons charged with Criminal offenses except for services chargeable to Towns ; for services and expenses conveying Criminals to jail ; for service of *subpœnas* issued by any District Attorney ; and for other services in relation to Criminal proceedings for which no specific compensation is prescribed by law ; the expenses necessarily incurred in the support of persons charged with or convicted of crimes and committed therefor to the several *Jails* of the County ; The sums required by law to be paid to prosecutors and witnesses in Criminal cases.

The *moneys* necessarily expended by any County Officer, in executing the duties of his office, in cases in which no specific compensation for such services is provided by law.

The accounts of *County Clerks* for services and expenses under the 6th chapter of Part first of the Revised Statutes.

All charges and accounts for services rendered by *Justices of the Peace* under the laws for the relief and settlement of the *poor* of such County, and for their services in the examination of *felons* not otherwise provided for by law.

The sums necessarily expended in the support of *County Poor Houses* and of indigent persons whose support is chargeable to the County.

- The moneys necessarily expended in repairing the *Court House* and *Jails*.
- The sums required to pay *bounties* allowed by law for the destruction of *wolves* and other *noxious animals* and chargeable to the County.
- The *contingent expenses* necessarily incurred for the use and benefit of the County. And
- Every other sum directed by law to be raised for any County purpose under the direction of the Board of Supervisors. 1 *R. S.*, 902-3.
- The accounts of *Sheriffs*, for paying *Clerks* for drawing Grand Juries and attending the drawing of Grand Juries and for summoning Constables to attend Courts. 1 *R. S.*, 903, § 3.
- The necessary expense incurred in keeping in repair and in condition for use the *Court Rooms* or the property of the County. 23 *Barb.*, 349.
- The expense of *Printing Calendars* of causes for Courts of Record. *Laws* 1862, *ch.* 86.
- Services of a *Medical* man rendered by order of the District Attorney, in making a chemical examination in a case of alleged poisoning. 30 *How.*, 173.
- Expense incurred by Officers in insuring County Buildings. *Laws* 1847, *ch.* 294.
- Damages occasioned by *Mobs* or riot to be recovered by *action* and *not* by audit. *Laws* 1855, *ch.* 428.
- Services rendered as *Counsel* for the Board of Supervisors. 10 *N. Y.*, 260.
- Services of Counsel employed by District Attorney. *Laws* 1872, *ch.* 733.
- The expense of supporting indigent *Lunatics* at the *State Lunatic Asylum* or at the Willard Asylum in the first instance, is to be paid by the County, which may require the individual, *City* or *Town* that is legally liable for the support of such Lunatics, to reimburse the amount of bills paid with interest. 2 *R. S.*, 894-5, §§ 53, 54. *Laws* 1874, *ch.* 446, title 3, § 31 and title 4, § 6.

- In like manner the expense of clothing and maintaining indigent *Inebriates* at the *State Inebriate Asylum*, with the same power to require any city or town to reimburse the amount paid. *Laws 1873, ch. 625, § 20.*
- The sum of \$20, annually for purpose of furnishing suitable clothing for each pupil selected and received into the *State Asylum for Idiots*. *Laws 1862, ch. 220, § 17.*
- The sum of \$20 annually to furnish suitable clothing for every indigent *blind person*, whose parents or guardians are unable, sent and received into the New York Institution for the *Blind*. *2 R. S., 374, § 7.*
- The expenses of providing courts appointed to be held in the county with *room, attendants, fuel, lights, and Stationery* sufficient for the transaction of their business. *Code, § 28.*
- The expense of providing the *Surrogates' Court* with *room, fuel, lights, and stationery* is a County charge. *Laws 1867, ch. 782, § 10.*
- The compensation of Surrogates Clerk. *Laws 1870, ch. 467, § 4.*
- See "*Constables*," "*District Attorney*," "*Justices of the Peace*," "*School Commissioners*," "*Sheriffs*," "*Stenographers*," and "*Town Charges*."

COUNTY CLERKS.

County Clerks are, by virtue of their offices, Clerks of the Supreme Court, Courts of Oyer and Terminer, County Courts, and Courts of Sessions, and Secretaries of the Board of County Canvassers of their respective Counties.

- For searching the records in his office, or the records of mortgages deposited in his office by loan officers or commissioners of loans, or the docket of judgments for each year,..... .05
- For *searching* and certifying the *title* of and incumbrances upon the real estate, for each conveyance and incumbrance certified by him, .. .10

Such fees shall in no case amount to less than 50 cents; nor more than \$5.

<i>Recording</i> conveyances of real estate and all other instruments which by law may be recorded, for each folio,.....	.10
Filing every <i>certificate</i> of the <i>satisfaction</i> of a mortgage and entering such satisfaction,.....	.25
Entering a minute of a mortgage being <i>foreclosed</i> ,	.10
Entering in a book the <i>bond</i> of every collector,	.12½
<i>Searching</i> for such bond,.....	.06
Entering satisfaction thereof,.....	.12½
Receiving and <i>filing</i> every paper deposited with him for safe keeping, .....	.03
<i>Searching</i> for every paper on request for each paper examined, .....	.03
Receiving and filing the papers of any <i>insolvent</i> , or relating to the proceedings against any absent, concealed, absconding or imprisoned debtor, in each case,.....	.12½

Such papers not to be charged as having been separately filed.

Searching for such papers, for each year,.....	.06
For determining and certifying the sufficiency of the <i>sureties</i> of any <i>sheriff</i> ,.....	.50
For every <i>report</i> upon the <i>title</i> of parties in <i>partition</i> , pursuant to a reference for that purpose,	1.00
For every report respecting the <i>incumbrances</i> upon the estate or interest of any party in partition pursuant to a rule or order for that purpose,	1.00
For <i>investing</i> the proceeds of the sale of any estate under proceedings in partition pursuant to the order of the Court, upon any sum not exceeding \$200,	½ per ct.
For any excess,.....	¼ per ct.

For receiving the interest on such investment and paying over the same to the persons entitled, $\frac{1}{2}$ per ct.	
For attendance in <i>canvassing</i> the votes given at any election,.....	2.00
For drawing all necessary <i>certificates</i> of the result of such canvass, for each folio,.....	.18
For every copy, per folio, .....	.09
For recording such certificate, per folio,.....	.10
For giving <i>notice</i> to the <i>Governor</i> of persons who have taken the oath of office, for each name (paid by State, 1 R. S., 868, § 118), .....	.03
For giving such <i>notice</i> of persons who have neglected to take the <i>oath</i> of office, or to file or renew any security within the time required by law, and of any <i>vacancy</i> created by any officer dying or removing out of the County or place for which he was appointed, and of all other vacancies in his County, for each name reported (paid by State),.....	.06
Notifying every person appointed to office (paid by State) (1 R. S., 868, § 118),.....	.25
And all <i>expenses</i> actually and necessarily incurred by him in the giving any notice, which the Comptroller shall deem reasonable.	
For <i>searching</i> for a <i>bail</i> piece and annexing it to the recognizance roll, .....	.12 $\frac{1}{2}$
For recording every <i>certificate</i> of <i>incorporation</i> , authorized by law to be recorded,.....	.75
For entering in the Minutes of the Court a <i>license</i> to keep a <i>ferry</i> , and for a copy thereof,	1.00
For taking and entering a <i>recognizance</i> from any person authorized to keep a <i>ferry</i> ,.....	.25
Entering <i>satisfaction</i> of a <i>judgment</i> when actually done, .....	.12 $\frac{1}{2}$
For all services upon the first application of an <i>alien</i> in cases of <i>naturalization</i> , including oath, the record, and a certificate thereof delivered to such alien,.....	.20

For all services upon the <i>completion</i> of the proceedings necessary for any <i>alien</i> to become a citizen, including a record thereof and a <i>certified</i> copy to be delivered to any person demanding the same,.....	.50
For <i>taxation</i> of fees claimed by any clerk when required by party, his Agent or Attorney (3 <i>R. S.</i> , 917, §§ 17, 18, 21),.....	.50
For <i>entering judgment</i> in <i>civil action</i> ,.....	.50
Except where Clerks are Salaried Officers and in such Courts,.....	1.00
For <i>trial fee</i> in action to be paid by the party bringing it on,	1.00
On entering judgment by filing <i>transcript</i>, .....	.06
He shall receive no other fee for any services whatever in a civil action except for copies of papers for every 100 words (<i>Code</i> , § 312),.....	.05
Filing each <i>Chattel Mortgage</i> or copy, ..	.06
For searching for each such paper, .....	.06
For certified <i>copies</i> of such instruments or copies for each fol. (3 <i>R.S.</i> , 223, §14. 2 <i>R.S.</i> , 638, 1st ed.),	.08
For <i>entering</i> the facts required by law in books in which <i>Chattel Mortgages</i> shall be entered, for each mortgage (3 <i>R. S.</i> , 224, § 20),.....	.06
For filing notice of <i>Mechanics' lien</i> and entering particulars in Lien Docket (<i>Laws</i> 1869, <i>ch.</i> 558, § 2), .....	.10
For administering an <i>oath</i> or <i>affirmation</i> , in cases where no fee is specially provided by law and certifying the same when required (3 <i>R. S.</i> , 915, § 10),.....	.12½
For recording and indexing any notice of the <i>pendency of action</i> for every one hundred words thereof (<i>Laws</i> 1864, <i>ch.</i> 53, § 4), .....	.10
For <i>cancelling</i> of record such notice on order of the Court (<i>Code</i> , § 132),.....	.25
Sealing every writ, exemplification or certificate,	.12½

For every <i>certificate</i> , but not to be allowed for certifying any paper for the copying of which he shall be paid (2 <i>R. S.</i> , 638, § 30, 1st ed.),	.12½
<i>Copies and exemplifications</i> , of records and proceedings on file, furnished upon request, except papers in civil actions, Chattel Mortgages, and proceedings in Courts of Oyer and Terminer and in Courts of Sessions, each folio (2 <i>R. S.</i> , 638, 1st ed. as modified by ch. 386, Laws 1840, § 5, and § 312 of the Code),.....	.06
FOR SERVICES AS CLERKS OF COURTS OF OYER AND TERMINER AND SESSIONS :	
<i>Swearing</i> a witness,.....	.06
Entering or respiting a recognizance,.....	.12½
Calling and swearing a <i>Jury</i> ,.....	.19
Entering a <i>sentence</i> in the minutes kept by him,	.12½
For every certified <i>copy</i> thereof,.....	.12½
For a transcript thereof for the Secretary of State,	.12½
Copies of records, indictments and other proceedings for each folio (3 <i>R. S.</i> , 1047, § 5. 2 <i>R. S.</i> , 638, 1st ed.),.....	.08

Clerks of Counties and Criminal Courts shall be allowed a reasonable compensation by Boards of Supervisors of their respective Counties for making returns respecting *Criminal Convictions* and other statistical information concerning Convicts. 1 *R. S.*, 858, § 49.

The accounts of Marshals and *County Clerks* for services under the act for taking the *census* are audited by the Board of Supervisors and paid as a part of the contingent expenses of the County, no fees prescribed by law: 1 *R. S.*, 374, § 13.

COUNTY JUDGE.

Salaries of County Judges and Surrogates are fixed by Legislature payable out of County Treasuries. *Art. 6*, § 15, *Constitution*.

Herkimer County Judge and Surrogate
 salary (*Laws 1872, ch. 767, § 3*),..... 3000.00

For salaries of County Judges in other Counties see
same chapter as amended by *ch. 515, Laws 1873.*

Shall not receive *to his own use* any fees or perquisites
 of office. *Art. 6, § 21, Constitution.*

Not to take any *fees* for services except for such as
 may be rendered by Justices of the Peace or Commis-
 sioners of Deeds. *3 R. S., 913, § 3.*

Fees for such services same as allowed to Justices
 of the Peace. *Same, § 2. Laws 1857, ch. 564.*

See "*Acknowledgments,*" "*Affidavits,*" and "*Justices of
 the Peace.*"

County Officers to pay all sums received for fees, after
 deducting their salaries, to County Treasurer. *2 R. S.,
 904, § 8.*

A County Judge of one County holding a
 County Court or presiding at a Court or
 Sessions of *another County* shall be paid for
 his expenses by the County Treasurer of
 such other County per day the sum of..... 5.00

Such compensation to be paid only in case of sickness
 or disability of the County Judge of the County in which
 such Court is held. *Laws 1872, ch. 767, § 5, as amended
 Laws 1874, ch. 64.*

COUNTY SUPERINTENDENT OF THE POOR.

They shall be allowed such sum for their actual at-
 tendance and services as the Board of Supervisors of
 their County shall deem reasonable. *2 R.S., 841, §30.*

In *Herkimer County* compensation to be determined
 by Board of Supervisors at any annual meeting, but
 shall not be increased or diminished during the term
 for which he is appointed. *2 R.S., 863, §130.*

COUNTY TREASURER.

Compensation fixed by Board of Supervisors, not exceeding, on all moneys belonging to his County.

For receiving,..... $\frac{1}{2}$ per ct.

For disbursing,..... $\frac{1}{2}$ per ct.

In addition to the compensation fixed by the Board of Supervisors, as aforesaid, he is entitled to retain a *Commission* on every dollar belonging to the *State*,..... 1 per ct.

To wit $\frac{1}{2}$ per cent for receiving and $\frac{1}{2}$ per cent for disbursing:

But in no case to exceed the sum of (*Laws* 1871, *ch.* 110, § 1),..... 500.00

Under the provision of the act respecting funds and securities held by them by *order* of the *Court* or from the Clerks of the Court of Appeals the County Treasurer is entitled to a commission on every dollar received of,..... $\frac{1}{2}$ per ct.

On every dollar paid out.(3 *R.S.*, 290, § 47),... $\frac{1}{2}$ per ct.

For acting as *Administrator* in cases provided by statute he shall be allowed for his expenses as other Administrators and for his services double the commissions allowed them by law. 3 *R.S.*, 218, § 71

Treasurers hereafter elected salary fixed by Board of Supervisors (*Laws* 1877, *ch.* 436).

CRIER OF THE COURT.

Appointed by County Judge, paid the same compensation and in the same manner as Justices of the Sessions. *Laws* 1866, *ch.* 588.

<i>Justices of Sessions</i> receive for each day's attendance at any Court of Sessions or Oyer and Terminer,.....	3.00
For traveling expenses coming and returning from said courts per mile (<i>Laws 1859, ch. 496</i>),	.05

DEEDS.

See "*Acknowledgments*" and "*County Clerks.*"

DEPUTY COUNTY CLERK.

Appointed by the Clerk. When the Clerk is absent from the County or from his office, or shall be incapable of performing the duties of the office, his deputy may perform all such duties except deciding upon the sufficiency of the sureties of any officer.

When the office of County Clerk shall become vacant, his deputy shall perform all the duties and be entitled to all the emoluments of the office. 1 *R.S.*, 867, §§ 111, 112.

His compensation is fixed and paid by the Clerk, except when the office is vacant and then the same as the Clerk. See "*County Clerks.*"

DEPUTY SHERIFF.

Appointed by the Sheriff. His fees are fixed and paid by the Sheriff. 1 *R. S.*, 877, § 168. *Crocker on Sheriffs*, p. 14, § 21. See "*Sheriffs.*"

DISTRICT ATTORNEY

May appoint an assistant in Counties having, at the last census, a population exceeding 70,000 when authorized by the Supervisors. The compensation of the assistant shall be determined by the Board of Supervisors. *Laws 1872, ch. 587*, §§ 1 and 3.

May, with the approval in writing of the County Judge of the County in which an important Criminal

case is to be tried, employ counsel to assist him in such trial, the cost and expense thereof to be certified by the Judge presiding at the trial, shall be a charge upon, and paid by the County. *Laws 1872, ch. 733, p. 1753*

The Board of Supervisors of any County may determine the office of District Attorney to be a Salaried Office, fix the amount of compensation and such salary shall not be diminished during the term the District Attorney has been or may be elected. *Laws 1852, ch. 304, § 1, as amended by Laws 1870, ch. 752.*

As in most, if not all the Counties of the State, the Boards of Supervisors have made the office a salaried office, the fees of District Attorneys are not inserted here. They may be found in 3 *R. S.*, 1047, 1048.

In Herkimer County the salary is (*See printed Proceedings of Board, 1871, p. 12*),..... 800.00

When acting as *Surrogate* the District Attorney is entitled to same compensation *pro rata* as the *Surrogate*. *Laws 1871, ch. 859, § 8.*

See "*County Charges.*"

DOGS.

In all Counties, except New York, there shall be annually levied and collected the following tax upon dogs; upon every bitch owned or harbored by any person or family,..... 3.00
 Upon every additional bitch owned or harbored by the same person or family,..... 5.00
 Upon every dog, other than a bitch, owned or harbored by any person or family,50
 Upon every additional dog, other than a bitch, owned or harbored by the same person or family (*2 R. S.*, 974, § 1, *as amended by Laws 1862, ch. 244, § 1*),..... 2.00
 Each Collector is allowed to retain a commission on dog tax collected of10 per ct.

And for every dog or bitch killed by him on account of the refusal or neglect of the person assessed to pay the tax, the sum of (<i>Laws</i> 1862, <i>ch.</i> 244, § 4),.....	1.00
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DOWER.

See "*Commissioners (to make partition, etc.)*," "*Surveyors*."

EXCISE.

See "*Commissioners of Excise*," "*Sheriffs*," "*Constables*," "*Justices of the Peace*."

EXECUTION.

Fee of Justices of the Peace for issuing, .....	.25
Fee of <i>Constable</i> for serving, for collecting \$50 or less,.....	5 per ct.
For every dollar collected over \$50, .....	.02½
And mileage, if no affidavit made, for <i>going only</i> , per mile, .....	.10
If affidavit made for every mile <i>going and returning</i>, .....	.10
See " <i>Constables</i> ."	
To a <i>Sheriff</i> for collecting \$250 or less per dollar, .....	.03
For every dollar collected more than \$250, .....	.02
For mileage for <i>going only</i> , to be computed from the Court House, per mile, .....	.10
For receiving and entering execution in their books and searching for property (<i>Laws</i> 1871, <i>ch.</i> 415, § 1), .....	.50
For returning execution (3 <i>R. S.</i> , 924, § 33), .....	.12½
For serving execution issued by <i>County Clerks</i> on <i>Justice's Judgments</i> the same fees as are allowed to <i>Constables</i> in like cases. 3 <i>R. S.</i> , 452, § 152.	

The law allowing fees to *Clerks* for *issuing* executions on judgments entered by filing transcripts of judgments entered by Justices of the Peace, is probably repealed by *Code*, § 312. See "*Sheriffs*."

EXECUTORS

Are entitled to same compensation as *Administrators*, which see.

FALSE PRETENSES.

The fees of Justices of the Peace, Constables and Sheriffs in the *County of Herkimer* in cases of complaint and prosecution for obtaining property by means of false pretenses, are not chargeable to Town or County until after conviction and a record thereof duly filed. The *complainant* is liable for such fees and after conviction the fees so paid are a valid charge against the County. *Laws 1862, ch. 215, § 1.*

FELONY.

The fees and accounts of Magistrates and other Officers for Criminal Proceedings in cases of felonies (offenses punishable by imprisonment in a State Prison), are in all cases a County charge. 1 *R. S.*, 902, § 3. *Same*, 855-6, § 39.

FENCE VIEWERS.

The *Assessors* and *Commissioners of Highways* of any Town are Fence Viewers of the Town. The electors of the Town, have the power at their Annual Town Meeting to fix the compensation of Fence Viewers. 1 *R. S.*, 817, §§ 8 and 9.

For services in examining and certifying in relation to *sheep* killed or injured by dogs, such compensation as may have been fixed by Town Meeting.

If no such action has been taken such sum as may be allowed by the Town Auditors, who have the power of auditing the same in Counties in which the Board of Supervisors have by resolution declared *chapter 197, Laws of 1864*, applicable to such Counties. *Laws of 1864, ch. 197, §§ 3 and 4.*

Said act has been made applicable to *Herkimer County*.
See Proceedings of Supervisors, 1870, p. 17.

For services in relation to *division fences* for each day each Fence Viewer is entitled to,..... 1.50

To be paid by the parties interested in the division fence. The proportion to be paid by each to be determined by the Fence Viewers. *Laws 1866, ch. 540, § 43.*

For services in relation to *floating timber*, etc., the compensation of the Fence Viewers to be paid by the owner of the lumber, no fees prescribed by statute. *2 R. S., 970, § 2.*

For services in relation to *strays* to be paid by the owner of the strays or the person applying for the certificate.

For a certificate of charges as ascertained by him, .25

For every mile he shall be obliged to travel from his house to the place where the strays are kept (*1 R. S., 831, §§ 22, 23*),..... .06

FILING PAPERS.

See "*Chattel Mortgages*," "*County Clerks*," "*Justices of the Peace*" and "*Town Clerks*."

FORECLOSURE OF MORTGAGES.

See "*Mortgage Foreclosure*."

GAME CONSTABLE.

To be elected at Town Meeting when such election is authorized by the Board of Supervisors.

He shall receive the same compensation for his services as is allowed by law to Constables of Towns and also one-half of the penalties recovered by him. *Laws 1872, ch. 595.*

Whenever any Game Constable shall fail to recover the penalty in any prosecution commenced under § 1, *Laws of 1872*, the costs of suit incurred by him shall be a charge against the County. *Same.*

GRAND JURORS.

See "*Jurors.*"

GUARDIANS.

Guardians shall be allowed for their reasonable expenses and the same rate of compensation for their services as is provided by law for Executors. 3 *R. S.*, 246, § 22.

The rate provided for Executors when this statute was enacted was as follows:

1. For receiving and paying out, not exceeding \$1,000,..... 5 per ct.
2. For receiving and paying out any sums exceeding \$1,000 and not amounting to \$5,000 at the rate of,..... 2½ per ct.
3. For all sums above \$5,000 (3 *R. S.*, 180, §64), 1 per ct.

GUARDS

(Jail).

Such Guard shall receive as a compensation for their services such per diem allowance as shall have been agreed upon not exceeding, for each private, 1.00
 For each officer per day (1 *R. S.*, 749, § 78),..... 2.00
 To be paid by the County. 1 *R. S.*, 750, § 83.

HABITUAL DRUNKARDS.

The costs and expenses of Overseers of the Poor in proceedings relating to Habitual Drunkards are to be audited and allowed in the same manner as other expenses of a City or Town. 2 *R. S.*, 902, § 10. 3 *R. S.*, 135, § 7.

HIGHWAY LABOR.

May be commuted for by any person other than an overseer at the rate per day of (*Laws* 1866, *ch.* 180),..... 1.00

INDICTMENT.

The expenses of the trial of an indictment sent for trial in any County in this State in consequence of any inability to obtain an impartial trial in the County in which the venue was originally laid shall be a charge upon the County from which the same was transferred. 1 R. S., 950, § 17.

INEBRIATES.

The expense of clothing and maintaining in the Inebriate Asylum, a patient sent upon the order of a County Judge, shall be paid by the County from which he is sent, which has the power to require the *Town* or *City* legally liable to support such patient, to reimburse the amount of said expense with interest. *Laws* 1873, *ch.* 625, § 20.

INQUEST.

See “*Coroners.*”

INSANE.

See “*County Charges.*”

INSPECTORS OF ELECTION.

For each day's service performed by each (*Laws* 1870, *ch.* 242, § 2),..... 2.00

INVENTORY.

See “*Appraisers,*” “*Attachment,*” “*Constables,*” and “*Sheriffs.*”

JAILS.

Sheriff to have custody of, and may appoint keepers of Jails and Prisons for whose acts he shall be responsible. 1 R. S., 878, § 170.

See “*Sheriffs.*”

JUDGMENTS.

Justices of the Peace for entering,.....	.25
Justices of the Peace for transcript of, .....	.25
County Clerk for entering, .....	.50
County Clerk for entering by filing transcript, .....	.06
County Clerk for entering satisfaction of, .....	.12½
See " <i>County Clerk</i> ," " <i>Justices of the Peace</i> ."	

JURORS.

(*In Courts of Record*).

Grand Jurors are annually selected by Boards of Supervisors; *Petit Jurors* are selected once in three years by the Supervisor, Town Clerk and Assessors.

To each Juror empaneled to try a cause in any Circuit or County Court for each cause in which he may be empaneled (to be paid by parties) (3 R. S., 922, § 27), .....	.25
The Board of Supervisors may direct a sum to be allowed to every <i>Grand</i> or <i>Petit</i> Juror for attending the Courts of Record, not exceeding for each day,	2.00
In addition to other fees which they may receive; and also for traveling in coming to and returning from such Courts not exceeding per mile (<i>Laws 1866, ch. 307</i>),.....	.05
In <i>Herkimer County</i> instead of the compensation including trial fees every <i>Grand</i> and <i>Petit</i> Juror is allowed per day,.....	2.00
Travel fees going and returning each mile (<i>Laws 1859, ch. 399, as modified by Laws 1866, ch. 307. See Proceedings of the Board of Supervisors, 1869, p. 14</i>), .....	.05
If trial protracted over 30 days such extra compensation as Board of Supervisors may allow. <i>Laws 1875, ch. 335.</i>	

JURORS

(In Justices' Courts).

For attending to serve as Juror although not sworn,.....	.10
For attending and trying a cause (<i>Laws</i> 1866, <i>ch.</i> 692, § 9),.....	.25
<i>In Courts of Special Sessions</i> (3 <i>R. S.</i> , 1011, § 66), no fees.	
<i>Jurors</i> drawn by Town Clerk to examine in relation to the <i>laying out or altering a highway</i> , each for his services entitled to be paid by the applicant (<i>Laws</i> 1877, <i>ch.</i> 465, § 1),.....	1.50
<i>Jurors</i> drawn by Town Clerk to reassess damages for laying out a highway.	
If drawn from an adjoining Town and shall attend but not serve, each,.....	.50
If they serve, then,.....	1.00
If from the same Town and shall attend and not serve,.....	.25
If they shall serve, then (2 <i>R. S.</i> , 399, § 90),.....	.50
To each Juror sworn before any officer in any <i>special proceeding</i> allowed by law or before any Sheriff upon any writ of <i>inquiry</i> or to try any claim to personal property (3 <i>R. S.</i> , 923, § 27),	.12½
In proceedings for <i>draining swamps</i> if Jurors attend and sign inquisition (3 <i>R. S.</i> , 864, § 11),	.50

JUSTICES OF THE PEACE.

FOR SERVICES IN CIVIL CASES :

For a summons, 25cts. A warrant,.....	.25
Attachment,.....	.25
Transcript of Judgment,.....	.25
Adjournment,.....	.25
Subpcena including all names inserted therein, ..	.25
Order of removal when justice a material witness, <i>Laws</i> 1875, <i>ch.</i> 334,.....	.25

Administering an oath,.....	.10
Filing every paper necessary to be filed,.....	.05
Swearing a <i>Jury</i> ,.....	.25
Swearing a <i>Constable</i> to attend a <i>Jury</i> ,.....	.10
<i>Trial</i> of an issue of fact in case of no appearance by the defendant,.....	.25
And in case of appearance and answer,.....	.75
Entering <i>judgment</i> ,.....	.25
Taking affidavit, .....	.10
Drawing any <i>bond</i> ,.....	.25
Receiving and entering <i>verdict</i> of <i>Jury</i> ,.....	.25
Venire,.....	.25
Drawing affidavits, applications and notices in cases required by law, per folio,.....	.05
Execution, .....	.25
Renewal of execution,.....	.25
Making return to Appeal,.....	2.00
Warrant for the apprehension of any person charged with a violation of the laws concern- ing the internal police of the State,.....	.25
Warrant for the apprehension of any person charged with being the father of a bastard,..	.50
Indorsing any warrant issued from another county,	.25
<i>Summons</i> for any offense relating to the internal police of the State, or in case of any <i>special</i> <i>proceedings</i> to recover the possession of land or otherwise,.....	.25
For drawing a <i>record</i> of conviction for contempt and other special cases,.....	.50
For an <i>execution</i> upon any such conviction,.....	.25
Warrant of <i>commitment</i> for any cause,.....	.25
For a <i>precept</i> to summon a <i>Jury</i> in <i>special cases</i> ,..	.50
Swearing such <i>Jury</i> ,.....	.25
Hearing the matter concerning which such <i>Jury</i> is summoned,.....	.50
Receiving and entering the verdict of such <i>Jury</i> ,	.25
For a <i>view</i> of premises alleged to be deserted,...	.50

JUSTICES OF THE PEACE.

47

Hearing an application for a <i>commission</i> to examine witnesses, .....	.50
For every order for such commission and attending, settling and certifying <i>interrogatories</i>, .....	.50
Taking <i>depositions</i> of witnesses upon an order or commission issued by some Court in this or a Foreign State or Territory, per folio,.....	.10
For making the necessary return or <i>certificate</i> thereto, .....	.50
<i>Indorsement</i> on affidavit in an action to recover the possession of personal property,.....	.25

FOR SERVICES IN CRIMINAL CASES.

For administering an oath, .....	.10
<i>Warrant</i> (but no Justice of the Peace shall be obliged to issue a warrant on any complaint for assault and battery, unless the person making the complaint shall pay the fee therefor),.....	.25
A <i>bond</i> or recognizance, .....	.25
<i>Subpœna</i> including all names inserted therein,...	.25
<i>Commitment</i> for want of bail, .....	.25
An <i>examination</i> of the accused where such examination is required by law for each day necessarily spent,.....	1.00
Every necessary <i>adjournment</i> of the hearing or examination,.....	.25

FEEES OF COURTS OF SPECIAL SESSIONS.

For venire,.....	.25
<i>Swearing</i> each witness on trial, .....	.10
Swearing a Jury,.....	.25
Swearing <i>Constable</i> to attend Jury,.....	.10
<i>Subpœna</i> , including all names inserted therein, ..	.25
For trial fee per day during the actual and necessary continuance of the trial,.....	1.00
Receiving and entering <i>verdict</i> of Jury,.....	.25
Entering <i>sentence</i> of the Court, .....	.25
<i>Warrant</i> of <i>commitment</i> on sentence,.....	.25

For <i>record of conviction</i> and filing the same,.....	.75
But all such charges in any one case, unless the Court continue more than one day, shall not exceed,	5.00
In such case the costs of each additional day may be added thereto.	
For <i>return to any writ of certiorari</i> to be paid by the county,	2.00
For services when associated with another Justice in cases of <i>bastardy</i> for each day actually and necessarily spent (<i>Laws 1866, ch. 692</i>),.....	2.00
For <i>swearing Jury</i> in case of an application to <i>lay out or alter a Highway</i> (<i>Laws 1873, ch. 315, § 4</i>),	2.00
Warrant to put landlord in possession of land in summary proceedings (<i>3 R. S., 915, § 9</i>),.....	.37½
For services in a proceeding for <i>draining swamps</i> for all services therein (<i>3 R. S., 864, § 11</i>),.....	1.00
For each days' service performed for the <i>Town</i> except as Commissioner of Excise (<i>Laws 1870, ch. 242, § 2</i>),	2.00
For services as <i>Commissioner of Excise</i> for each day (<i>Laws 1870, ch. 175, § 7</i>),.....	3.00
FOR SERVICES AS JUSTICE OF SESSIONS.	
For each day,.....	3.00
Mileage going and returning per mile (<i>Laws 1859, ch. 496</i>),.....	.05
See " <i>Acknowledgments</i> ," " <i>Affidavits</i> ."	

LANDLORD AND TENANT.

The fees in Summary Proceedings to recover possession of land are the same as allowed in Civil Actions, and limited in like manner, *3 R. S., 840, § 51*.

LEVY.

See "*Attachment*" and "*Execution*."

LICENSE.

To sell strong and spirituous liquors in quantities less than 5 gallons, in <i>Towns</i> and <i>Villages</i> , in the discretion of the Board of Excise, not less than	30.00
Nor more than.....	150.00
In <i>Cities</i> , not less than	30.00
Nor more than (<i>Laws</i> 1873, <i>ch.</i> 549, § 2),.....	250.60
To sell <i>ale</i> or <i>beer</i> in the discretion of the Board of excise, not less than (<i>Laws</i> 1869, <i>ch.</i> 856, § 4),	10.00

LOAN COMMISSIONERS.

See "*Commissioners of Loans.*"

LUNATICS.

For fees of officers in proceedings for the confinement of Lunatics.

See "*Constables,*" "*Justices of the Peace,*" and "*Witnesses.*"

The rate of costs in Special Proceedings for the appointment of a committee in cases of *Lunatics*, *Idiots* and *Habitual Drunkards* are the same as allowed for similar services in civil actions. *Laws* 1854, *ch.* 270, § 3.

See "*Costs,*" and 2 *Van Santvoord's Equity Pr.*, p. 372, 2d *Ed.*

Commissioners for every day necessarily employed in hearing testimony and taking inquisition an allowance to be fixed by the Court. *Supreme Court Rule*, 86.

MANDAMUS.

Costs in actions of *Mandamus* are not affected by the fee bills of 1840, or the *Code* and are still to be taxed under the fee bill contained in the Revised Statutes. *Code*, § 471; 28 *How.*, 159.

MARSHAL.

(Census).

For each day actually and necessarily employed, 2.00

To be audited and allowed by the Board of Supervisors. 1 *R. S.*, 375, § 19.

MECHANIC'S LIEN.

To a County Clerk for filing lien (*Laws* 1869, *ch.* 558, § 2),..... 10*Costs* and disbursements in proceedings to enforce a Mechanic's Lien are the same as are allowed in Civil Actions for relief arising upon contract. *Laws* 1873, *ch.* 489 § 18.See "*Costs*," "*Justices of the Peace*."

MILITIA.

In cases of riot, tumult, breach of the peace, resistance to process, or whenever called upon to aid the civil authorities, officers and privates are entitled to compensation as follows:

To each *private* per day,..... 1.00To each *Non-Commissioned Officer* and *Musician* per day,..... 1.25To all *Commissioned Officers* the same compensation as is paid to officers in the service of the United States, together with necessary rations and forage and for each horse of any mounted man (*Laws* 1870, *ch.* 80, § 247, and § 177. *Laws* 1845, *ch.* 69, § 21),..... 1.00

MORTGAGES. .

See "*Acknowledgments*," and "*County Clerks*."

MORTGAGE FORECLOSURE.

BY ACTION.

See "Costs."

BY ADVERTISEMENT.

For <i>drawing</i> advertisements of foreclosure and sale, affidavits of publication, posting and serving thereof, and of the circumstances of the sale and the deed thereof, per folio,.....	.25
For each necessary <i>copy</i> , per folio,.....	12½
For <i>serving</i> each copy of the notice of sale required by law to be served,.....	1.00
For <i>superintending</i> sale and attending to the execution of the necessary papers,.....	10.00
For <i>publishing</i> advertisement, per folio,	
First insertion,.....	.75
Each subsequent insertion, not exceeding 23 weeks, .....	.50
<i>Posting</i> advertisements and inspecting same not exceeding,.....	1.00
<i>Recording</i> necessary affidavits, per folio,.....	.10
<i>Acknowledging</i> deed for one person,.....	.25
Each additional person,.....	.12½
<i>Oath</i> to each affidavit taken before Justice,.....	.10
<i>Oath</i> taken before Notary Public, County Clerk, or Commissioner of Deeds,.....	.12½
<i>Clerk's</i> fee for <i>affixing</i> notice in book,.....	.25

Postage and Clerk's fee for *searches* the sums actually paid. 3 R. S., 932. *Crary's Pr. Sp. Proceedings*, 77, 78, and 504. *Laws of 1869, ch. 831.*

See "Acknowledgments," "Affidavits," "County Clerks."

NATURALIZATION.

See "County Clerk."

NOTARY PUBLIC.

For the <i>protest</i> for the non-payment of any bill or note, or for the non-acceptance of any bill of exchange, check or draft and giving the requisite notices and certificates of such protest including seal, not exceeding, for such protest, ..	.75
And for each <i>notice</i> not exceeding 5 (<i>Laws</i> 1865, <i>ch.</i> 356),.....	.10
For administering an oath (3 <i>R. S.</i> , 915),.....	.12½
For taking an <i>acknowledgment</i> of one person,.....	.25
For each additional person,.....	.12½
For <i>Swearing</i> each witness (3 <i>R. S.</i> , 916),.....	.06
For drawing and copy of any affidavit or other paper, except those above mentioned, for each folio.	
For drawing,.....	.25
For copy (3 <i>R. S.</i> , 928),.....	.12½

OATH.

For administering an oath or affirmation in cases where no fee is specially provided by law except when done by a Justice of the Peace (3 <i>R. S.</i> , 915, § 10, <i>as modified by ch.</i> 775, <i>Laws</i> 1857),.....	.12½
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For administering *oath of office* to any member of the Legislature or to any *Military* or *Town Officer* no fees.
3 *R. S.*, 932, § 17.

See "*Justice of the Peace*," "*Acknowledgment*," "*County Clerks*."

OVERSEER OF HIGHWAYS.

If any Overseer of Highways shall be employed more days in executing the duties enjoined on him by law, than he is assessed to work on the Highway, he shall be paid for the excess per day (<i>Laws</i> 1864, <i>ch.</i> 395, § 1).....	1.00
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OVERSEER OF POOR.

For each day's service performed (<i>Laws 1870, ch. 242, § 2</i>),	2.00
In <i>Herkimer County</i> an annual compensation to be fixed each year by <i>Board of Town Auditors</i> , in any Town except German Flats not to exceed	50.00
In <i>German Flats</i> not to exceed (<i>Laws 1868, ch. 7, § 6</i>),	100.00
See " <i>Board of Alms.</i> "	

PARTITION.

The allowance of costs in proceedings for partition is in the discretion of the Court, and when allowed is the same as costs in Civil Actions. *Code, §§ 306, 308, 448. Cray's Pr. Sp. Pro., 370.*

See "*Commissioners (in Partition), 'Costs,' and 'Surveyors.'*"

PHYSICIANS,

When employed by Coroner to make *Post Mortem* examinations and dissections and testify to same, their compensation is a County charge. *Laws 1873, ch. 833, § 2, as amended Laws 1874, ch. 535.*

In Counties having more than one Superintendent of the Poor, where there is a Poor House, the Superintendents appoint a *Physician* for the *Poor House*. *2 R. S., 843, § 39.*

And audit and settle their accounts. *Same, § 35.*

In *Herkimer County* the Board of Supervisors have exclusive power to make contracts with Physicians to furnish medicines and Medical and Surgical services for the poor at the Poor House, and in such Towns as they deem it advisable. *2 R. S., 864, § 137.*

For services in examining and certifying in reference to the *insanity* of any person such sum as may be allowed by the Board of Supervisors.

For attending as a <i>witness</i> before County Judge, for each day,.....	.50
For each mile traveled going and returning (3 <i>R. S.</i> , 922, § 24), .....	.04
Physician to <i>Jail</i> appointed by Board of Supervisors. 3 <i>R. S.</i> , 728.	

POUND MASTER.

For taking into the Pound and discharging therefrom :	
Every horse, ass or mule and all neat cattle, each,	.12½
For every sheep or lamb,.....	.03
For every hog (1 <i>R. S.</i> , 836, § 55),.....	.06
If such beasts are fed by him reasonable charges for such feeding, not exceeding for each beast for every 24 hours (3 <i>R. S.</i> , 842, § 7),.....	.06

PRINTERS.

See "*Advertisements*" (*legat*).

RAIL ROAD COMMISSIONERS.

For each day actually engaged in the discharge of their duties, and their necessary disbursements (<i>Laws</i> 1869, <i>ch.</i> 907, § 3),.....	3.00
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RECEIVERS.

Receivers of the property of *Corporation* are allowed such commission as may be fixed by the Court appointing them on the amount received and disbursed by them not exceeding (*Code*, § 244),.....5 per ct.

When Receiver is appointed *ex parte* no fees or costs are allowed beyond actual disbursements, unless the order appointing such Receiver shall be continued. 95 *Rule of Supreme Court*, 1870.

In other cases, unless otherwise ordered, the Receiver

is entitled to the same commissions as Executors. 1
Tillinghast and Shearman's Practice, 771. 3 R. S., 767.
 See "*Executors.*"

RECOGNIZANCE.

To <i>County Clerk</i> for entering or respiting (3 R. S., 1047, § 5),.....	.12½
To a <i>Justice of the Peace</i> for bond or recognizance (<i>Laws 1866, ch. 692, § 3</i>),.....	.25

RECORDING.

See "*County Clerks.*"

-REFEREE.

IN CIVIL ACTIONS.

For each and every day spent in the business of
 the reference,..... 3.00

But parties may agree in writing upon any other rate
 of compensation. *Code, § 313.*

ON APPEAL FROM DETERMINATION OF COMMISSION-
 ERS OF HIGHWAYS.

For each day employed in hearing and decision of
 such appeal (2 R. S., 404, § 128),..... 2.00

FOR LOCATION OF TOLL GATES OF PLANK ROAD COM-
 PANIES, &c.

For each day same as in Civil Actions (2 R. S.,
 504, § 117),..... 3.00

IN CONTROVERSIES BETWEEN TRUSTEES OF AN INSOLV-
 ENT DEBTOR AND ANY OTHER PERSON.

For each day same as in Civil Actions (3 R. S.,
 119, § 26),..... 3.00

IN CASES OF ACCOUNTS AGAINST DECEASED PERSONS

Same as in Civil Actions. 3 R. S., 176, § 42.

*In mortgage foreclosure
 16th Mar 8.*

REPLEVIN.

See "*Costs (in Civil Actions),*" "*Justices of the Peace,*"
and "*Sheriffs.*"

RIOTS.

See "*County Charges,*" "*Militia,*" and "*Sheriffs.*"

SATISFACTION.

Clerk for entering satisfaction of Judgment (3 <i>R. S.</i> , 918), .....	.12½
For filing certificate of satisfaction of a mortgage and entering such satisfaction (3 <i>R. S.</i> , 917, § 17),	.25
Entering satisfaction of <i>Collectors' bond (Same)</i> ,...	.12½
Furnishing <i>Certificate</i> of satisfaction of judgment (3 <i>R. S.</i> , 641, § 27), .....	.12½

SCHOOL COMMISSIONERS.

Each School Commissioner shall receive an annual salary of,800.00

Payable quarterly by State Treasurer, out of the *U.S. Deposit Fund.*

The Board of Supervisors shall annually allow and assess upon the Towns composing his District to each Commissioner the sum of (*Laws 1867, ch. 84*),200.00

A majority of the Supervisors from all the Towns composing a *School Commissioner's* District may adopt a resolution increasing the salary of their School Commissioner, and when such resolution is adopted it is the duty of the Board of Supervisors to levy such increase on the Towns composing such District. *Laws 1864, p. 1217, § 8*

SEALER OF WEIGHTS AND MEASURES.

For sealing and marking every beam,.....	.10
For sealing and marking measures of extension at the rate, per yard, of,.....	.10
Not to exceed, for any one measure,.....	.50
For sealing and marking every weight,.....	.05
For sealing and marking liquid and dry measures, for each measure,.....	.10
For making weights and measures conform to the Standards in his possession, a reasonable compensation. 2 R. S., 830, § 27.	

SEARCH.

See "*County Clerks.*"

SEARCH WARRANT

Is a *Criminal Proceeding.* 4 *Denio*, 260.

See "*Warrants,*" "*Sheriffs,*" "*Constables,*" and "*Justices of the Peace.*"

SESSION LAWS.

See "*Advertisements (legal).*"

SHERIFFS.

IN CIVIL CASES :

1. For serving a *summons*, or *summons and complaint*, or *summons and notice of object of action*, or *any other paper* issued in any action, 1.00
For necessary travel to and from the place of service to be computed in all cases from the Court House, or if there are two or more Court Houses, from the nearest to the place of service, per mile (*Laws 1872, ch. 26*),..... .06
2. For taking *bond* of plaintiff, defendant or other party, where he is authorized to take the same, .50
3. For a *certified copy* of such bond,..... .25

4. For serving an <i>attachment</i> for the payment of money, or an <i>execution</i> for the collection of money, or a <i>warrant</i> for the same purpose, issued by the <i>Comptroller</i> or by any <i>County Treasurer</i> , for collecting \$250 or less per dollar,.....	.73
For every dollar more than \$250,.....	.02
For <i>mileage</i> on every execution, for going only, to be computed from Court House, per mile,.	.10
For <i>receiving</i> and <i>entering</i> such execution on their books and <i>searching</i> for property,.....	.50

The fees allowed by law and paid by such Sheriff for *publishing an advertisement* of the sale of real estate, for not more than six weeks, and for continuing such advertisement more than six weeks, or for publishing the postponement of any such sale, the expense of such continuance of postponement shall be paid by the party requiring the same.

The above fees for service of an execution shall be collected by virtue of such execution. But when the same Sheriff has *several executions* against the same defendant, he can charge but *one* advertising fee, and the Sheriff shall elect on which execution he will receive the same.

5. For drawing and executing a <i>deed</i> pursuant to a sale of real estate to be paid by the grantee in such deed,	2.00
6. For serving a <i>writ</i> of <i>possession</i> , <i>assistance</i> , or of <i>restitution</i> ; putting any person entitled into possession of premises and removing the tenant,.....	1.50
And <i>same mileage</i> as on service of a summons.	
7. For taking <i>bond</i> for <i>liberties</i> of the <i>Jail</i> ,.....	1.00
Summoning a <i>Jury</i> upon a <i>writ</i> of <i>inquiry</i> or in any case where it shall become necessary to try the title to any personal property, attending the Jury and making and returning the inquisition,.....	2.50

For <i>summoning</i> a <i>Jury</i> in pursuance of the warrant or precept of Commissioners appointed to enquire concerning the <i>lunacy, idiocy</i> or <i>habitual drunkenness</i> of any person for each Juror summoned,.....	.25
For attending such <i>Jury</i> when required,	1.00
For <i>summoning</i> a <i>Jury</i> in any case not hereinbefore mentioned,	1.00
For attending such <i>Jury</i> when required,.....	1.00
8. Attending before any officer with prisoner for the purpose of having him surrendered in <i>exoneration</i> of his <i>bail</i> , or attending to receive a prisoner so surrendered, who was not committed at the time, and receiving such prisoner into his custody, in either case,	1.00
9. For <i>attending</i> a <i>view</i> , per day,.....	2.00
For each mile actually traveled going and returning, .....	.08
10. For serving an <i>attachment</i> against the property of a debtor under chap. 5, part 2, R. S. (relating to <i>non-resident, concealed, imprisoned, and insolvent</i> debtors) or against a <i>ship</i> or <i>vessel</i> , under title 8, <i>ch. 8</i> , part 3, R. S.,.....	1.00

With such additional compensation for his *trouble* and *expenses* in taking possession of and preserving the property attached as the officer issuing the warrant shall certify to be reasonable. When the property so attached shall afterwards be sold by the Sheriff he shall be entitled to the same *poundage* on the sum collected, as if the sale had been made under an execution.

For making and returning an *inventory* and *appraisal* such compensation to the appraisers for each day actually employed as the officer issuing the attachment shall allow, not exceeding, to each,

1.00

And for <i>drafting</i> the inventory, per folio,.....	.25
And for <i>copying</i> same, per folio, .....	.12
For <i>selling</i> any property so attached and for <i>advertising</i> such sale, same allowance as for sales on execution.	
11. Attending any <i>term</i> of the <i>Supreme Court</i> or of the <i>County Court</i> of any County, per day (<i>Laws 1871, ch. 415</i>),.....	3.00
For a <i>copy</i> of every summons, <i>scire facias</i> or declaration served by him when made by him in <i>Supreme Court</i> , per folio (<i>3 R. S., 924, § 33. 2 R. S., 633, § 18, 1st ed.</i>),.....	.12½
In <i>County Court</i> , per folio (<i>3 R. S., 924, § 33. 2 R. S., 636, § 27, 1st ed.</i>), .....	.09
For a <i>copy</i> of every other <i>writ</i> when required by law (but no such charge can be made against the defendant) (<i>3 R. S., 924, § 33</i>),.....	.19
<i>Returning</i> a writ (attachment, certiorari, habeas corpus, summons, execution, etc.),.....	.12½
<i>Advertising</i> goods or chattels, lands or tenements, for sale on execution,.....	2.00
And if execution be stayed or <i>settled</i> after advertising and before sale (<i>Same</i>),	1.00
For every <i>certificate</i> on sale of real estate, for drawing, per folio:	
In <i>Supreme Court</i> ,.....	.25
In <i>County Court</i> ,.....	.18
For two copies each per folio, in <i>Supreme Court</i> , In <i>County Court</i> (<i>3 R. S., 925, 2 R. S., 633, 636, 1st ed.</i>),.....	.09
Together with Clerk's fees for filing one of such certificates, .....	.06
For <i>summoning</i> the Jury to attend any Court in each cause noticed for trial or placed on the calendar, .....	.50
Bringing on a prisoner upon <i>habeas corpus</i> to testify or answer in any Court,.....	1.50
For <i>traveling</i> each mile from Jail,.....	.12½

For attending any Court with such prisoner besides actual expenses per day,.....	1.00
Bringing up prisoner upon <i>habeas corpus</i> , with cause of his arrest and detention,.....	1.50
For traveling for each mile from Jail (3 <i>R. S.</i> , 925),.....	.12½
For serving an <i>execution</i> issued by a <i>County Clerk</i> upon the judgment of a Justice, the same fees as are allowed Constables as follows:	
For every dollar collected to the amount of \$50,	.05
For every dollar collected over \$50, .....	.02½
For every mile, <i>going only</i> , to be computed from the place of abode of defendant or where he shall be found, to where the execution is returnable (3 <i>R. S.</i> , 452, §§ 150, 152),.....	.06

On the sale of premises under a decree of *foreclosure* or *in partition* the sheriff shall receive his disbursements for printer's fees.

(See "*Advertisements.*")

He shall also be entitled to receive the same fees as upon sales by virtue of an execution but such fees shall in no case exceed,10.00

If the amount bid on such sale on any part of such amount shall be credited on the decree of sale or be bid by the person or party in whose favor the decree shall be made, the fees of the Sheriff shall be estimated on the *surplus* over and above the amount so credited or bid, by such person or party; but if the fees on the whole sum bid on such sale would amount to more than \$5, in case no part thereof was so credited or bid by such person or party, the Sheriff shall be entitled to \$5, if the fees on the sum actually paid would not amount to that sum. 3 *R. S.*, 291, § 49. 16 Nov 8.

For any person committed to Prison in civil cases to be paid by the plaintiff in the process, for receiving,25

For discharging, .....	.25
For <i>summoning Constables</i> to attend Supreme Court for each Constable (3 R. S., 926),.....	.50
For executing any <i>warrant</i> to remove any person from lands belonging to the <i>people</i> or to <i>Indians</i> , such sum as the Comptroller shall audit and certify to be a rea- sonable compensation.	
For giving any notice of any <i>general</i> or <i>special elec- tion</i> to the Inspectors of the different Towns and wards of his County, for each Town or ward (and the expenses of publishing such notice to be paid by the County),.....	1.00
For every service which may be rendered by a <i>Constable</i> the same fees as are allowed by law for such services to Constables. 3 R. S., 926.	
For <i>keeping</i> a person arrested on execution or other civil process or surrendered in exoneration of bail, at the expense of the person in custody; if kept in any place other than a Jail, such sum as shall be pre- scribed by the Court of Sessions; or if no rate shall have been prescribed by such Court, then such sum as shall be allowed by a Justice of the Peace of the same Town. 3 R. S., 659-60. 3 R. S., 724, § 3.	
For serving an <i>attachment</i> under the <i>Code of Pro- cedure</i> ,	1.00
When judgment shall have been recovered his <i>pound- age</i> shall be estimated on the amount collected.	
If a <i>settlement</i> shall be had, poundage shall be esti- mated on amount at which a settlement is made. <i>Code</i> , § 243, as modified by ch. 26, <i>Laws</i> 1872.	
For service of an <i>attachment</i> against a <i>defaulting witness</i> , no fee is prescribed. It is usual for the Court to impose such fine as will be a reasona- ble compensation. Usually there is allowed, for serving the attachment, .....	.50
Return thereof, .....	.12½

Travel fees from place of arrest to the Court where the writ is returnable for each mile (<i>Crocker on Sheriffs</i> , 429-37),12½
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FEES IN CRIMINAL CASES.

The following are County charges. Where no fee is given the compensation is to be fixed by the Board of Supervisors. 3 R. S., 1051, § 22.

For every person <i>committed</i> to Prison, . . . . .	.37½
For every prisoner <i>discharged</i> from Prison, . . . . .	.37½
For summoning a <i>Grand Jury</i> ,	10.00
For serving a <i>warrant</i> or performing any other duty which may be performed by a <i>Constable</i> the same fees as are allowed by law to a <i>Constable</i> for such service. 3 R. S., 1050, § 17.	
For returning precept for Oyer and Terminer, . . . . .	.12½
For returning Jury Lists, each (3 R. S., 924, § 33), . . . . .	.12½
For <i>summoning Constables</i> to attend any Court, each <i>Constable</i>, . . . . .	.50
For serving a <i>warrant</i> in a Criminal Case (but not unless an arrest is made), . . . . .	.75
For traveling to make such service (if an arrest is made) per mile <i>going only</i> in case no affidavit is made (See " <i>Constables</i>"), . . . . .	.10
If an affidavit is made per mile <i>going and returning</i> (<i>Laws</i> 1869, ch. 820. 1 <i>Denio</i> , 658), . . . . .	.10
Taking defendant into custody on a <i>Mittimus</i>, . . . . .	.25
For every mile traveled in taking prisoner to Jail going and returning (<i>Laws</i> 1869, ch. 820, § 1), . . . . .	.10
<i>Conveying</i> a person to the Magistrate or Court before whom he is to be brought (if within one mile), . . . . .	.12½
And for every mile more, going only (3 R. S., 1046, § 4), . . . . .	.06
Serving a <i>Subpoena</i> for each witness, . . . . .	.25
Mileage on the distance traveled per mile <i>going and returning</i> . 3 R. S., 1050, <i>Laws</i> 1877, ch. 89, . . . . .	.05

But mileage can be charged only on the distance actually traveled to make service on *all* the witnesses when the subpoena contains one or more names, unless the Board of Supervisors make a further allowance. 3 R. S., 1046-7.

But no Board of Supervisors shall allow any charge for *issuing* or *servng* any *Subpoena* in any Criminal Case or proceeding on behalf of a *defendant*. *Laws* 1845, *ch.* 180, § 18. 3 R. S., 998, § 40.

For attendance upon drawing a *Grand Jury*. 3 R. S., 1013, § 10.

For preparing *statements* of prisoners in Jail for District Attorney.

For preparing *Calendar* of prisoners in Jail for Courts of Oyer and Terminer and Sessions. 3 R. S., 1066, § 25. 2 R. S., 905, § 7.

For the support of prisoners in Jail. 1 R. S., 902, § 3, *sub.* 6.

For furnishing and *collecting statistics* for Secretary of State relating to Convicts in Criminal Courts, Sheriffs shall be allowed a reasonable compensation by Board of Supervisors. *Laws* 1867, *ch.* 604, § 4.

For conveying *Juvenile Delinquents* to *Houses of Refuge* and *Lunatics* to *Insane Asylums* such compensation as shall be fixed and determined by the Board of Supervisors. *Laws* 1874, p. 570, § 29.

For conveying any prisoner sentenced to the *Albany Penitentiary* for an offense not punishable by imprisonment in a State Prison such fees and expenses as the Board of Supervisors shall prescribe and allow. *Laws of* 1874, *ch.* 209, §§ 2, 3.

For conveying a single Convict to the <i>State Prison</i> , for each mile from which such Convict shall be conveyed, .....					.35
Conveying 2 Convicts for each mile, as aforesaid,					.45
“ 3 “ “ “					.50
“ 4 “ “ “					.55
“ 5 “ “ “					.60

- For all additional Convicts such allowance as Comptroller may think just.
- For maintenance of each Convict on the way to State Prison, per day,..... 1.00
- But not exceeding for thirty miles travel (3 R. S., 1050, § 17,..... 1.00
- The account to be paid by the *State*.

All convicts sentenced to same State Prison or the same House of Refuge at one session of the Court, to be transported at same time unless the Court shall expressly direct otherwise. 3 R. S., 1051, §§ 19, 20.

For conveying persons convicted of offences punishable by imprisonment in a *State Prison* and sentenced to the *Albany* or *Syracuse Penitentiary* the same fees as are allowed by law for conveying convicts to State Prisons, to be paid by the State Treasurer. *Laws* 1869, *ch.* 574, §§ 1, 3, and 7.

For serving the *Comptroller's Notification* upon debtors of the State, such amount as may be audited by the Comptroller paid out of State Treasury. 1 R. S., 481, § 29. *Same*, 878, § 171.

For serving *Subpœnas* of Canal Board, Canal Commissioners or Canal Appraisers such sum as may be just and reasonable to be paid by Canal Commissioners. 1 R. S., 603-4, §§ 147, 148.

For services in the recovery and preservation of *wrecked* property a reasonable allowance as salvage, not to exceed *one-half* of the property or proceeds, to be paid out of the property saved. 2 R. S., 962, §§ 12, 13.

SPECIAL SESSIONS.

See "*Justices of the Peace*."

STATE PRISONS.

See "*Sheriffs*."

STENOGRAPHER.

IN SUPREME COURT :

Appointed by the Justices of the Supreme Court, in each Judicial District.

He shall receive a *salary* of.....2500.00

Such salary is to be apportioned to each County in such District by the Court at Special Term, according to the number of days such Courts have been held in such County, and paid by County Treasurer.

He shall also receive his *actual necessary expenses* while attending said Courts, and for actual *travel* to and from such Courts and his place of residence, per mile,..... .10

To be certified by presiding Justice, and paid by County Treasurer on such certificate.

For a *copy of testimony* and *other proceedings* on trials, for each hundred words of copy furnished, to be paid by the party ordering the same,06

When *two Courts* are appointed to be held at the *same time* in either of the Judicial Districts, the Justices assigned to hold the same, may employ an *additional Stenographer* and certify a reasonable sum for the payment of services and actual necessary expenses, to be paid by the County Treasurer on such certificate. *Laws 1871, ch. 700, as amended by ch. 139, Laws 1872.*

The above provisions apply to all the Judicial Districts except the first and second. *Laws 1872, ch. 139.*

IN SURROGATE'S COURTS:

The Surrogate in any County may, in his discretion, employ a Stenographer to take full Stenographic notes of all proceedings in the Court of said Surrogate in which oral proofs shall be given.

He shall be paid a reasonable compensation to be certified by the Surrogate as a part of the costs of the proceedings. *Laws 1871, ch. 874.*

STRAYS.

To the person delivering note containing description of any strayed neat cattle or sheep upon his enclosed lands within ten days after the coming of any such stray thereon, to be paid by owner of the stray:

For all <i>neat cattle</i> and <i>horses</i> , each,.....	.09
For each <i>sheep</i> ,.....	.03

Together with fees of *Town Clerk* for entering such note, as follows:

For all <i>neat cattle</i> and <i>horses</i> each,.....	.06
For <i>each sheep</i> ,.....	.03

And also all reasonable charges for keeping the stray to be ascertained by two fence viewers of the town to be selected by the person, claiming the same, in case he and the owner of the stray cannot otherwise agree.

Each <i>fence viewer</i> shall be entitled to receive for each mile he is obliged to travel from his house to the place where the stray is kept,.....	.06
For a <i>Certificate</i> of the charges as ascertained by him,.....	.25

Such fees to be paid by the owner of the strays. 1 *R. S.*, 831, §§ 17, 19, 21, 22.

In case of a sale of the property the person who shall have delivered the note shall be entitled to retain for his own use the fees and charges above mentioned and the like charges for such sale as are allowed on sales under executions issued out of Justices Courts. 1 *R. S.*, 832, § 26.

See "*Executions.*"

SUBPENA.

To Justice for issuing in Civil or Criminal Case,	.25
To a <i>Constable</i> for serving in Civil Cases on each witness not exceeding four (<i>Laws 1869, ch. 820, § 1</i>), .....	.25
To <i>any person except</i> a <i>Constable</i> or <i>Sheriff</i> for serving in <i>Civil Cases</i> in <i>Justices' Courts</i> , not exceeding four each (<i>3 R. S., 452, § 150, as modified by Laws 1869, ch. 820</i>),.....	.12½
To a <i>Constable</i> or <i>Sheriff</i> for serving in <i>Criminal Cases</i> for each witness,.....	.25
And mileage for distance actually and necessarily traveled, per mile (<i>3 R. S., 926, Laws 1877, ch. 89</i>),.....	.05
To a <i>County Clerk</i> for issuing upon application of <i>defendant</i> in <i>Criminal Cases</i> . No fees (<i>3 R. S., 1020-1, § 62</i>).	

SUMMONS.

See "*Justices of the Peace*," "*Constables*" and "*Sheriffs*."

SUPERINTENDENTS OF THE POOR.

See "*County Superintendents of the Poor*."

SUPERVISOR.

FOR THE COUNTY.

For each day's services during the sessions of the Board besides mileage, allowed by law (<i>Laws 1869, ch. 855, § 8</i>),.....	3.00
For each day's service except when attending the Board of Supervisors,.....	3.00
For all necessary travel in the discharge of his official duties, per mile, .....	.08

For making a *copy* of the assessment roll and *making* out the *tax bill* to be delivered to Collector :

For the first hundred written lines, each,..... .03

For the second hundred written lines, each,02

For each line over two hundred,01

But no *per diem* allowance shall be made while making such copy or tax. *Laws 1876, ch. 257.*

See "*County Canvassers.*"

FOR THE TOWN.

For each day's service, 2.00

For all necessary travel, filing Bond, each mile, .08

For approving Collectors Bond,..... 1.00

Disbursing school moneys not exceeding 1 per cent. *Laws 1876, ch. 257.*

SURROGATE.

The salary of the County Judge, and the salary of the Surrogate when elected as a separate officer, shall be established by law payable out of the County Treasury and shall not be diminished during his term of office. *Const., Art. 6, § 15.*

He cannot receive to *his own use* any fees or perquisites of office. *Same, § 21.*

Nor for the *use of the County* except for copies of records or papers. *Laws 1869, ch. 246, § 2.*

For such *copies* furnished to any party on his request, per folio, to be paid by the party requesting them (3 *R. S.*, 920),06

The salary of the County Judge and Surrogate in *Herkimer County* is (*Laws 1872, ch. 767, § 3*), 3000.00

For salaries of Surrogates in other Counties, see *Laws 1872, ch. 767, as amended by ch. 401, Laws 1877.*

SURROGATE'S CLERK.

Such compensation as the Board of Supervisors shall fix. *Laws 1870, ch. 467, § 4.*

The Board of Supervisors may authorize said Clerk to receive for his own use the legal fees for *making copies* of any record or paper in the office of the Surrogate. *Laws 1869, ch. 246, § 2.*

SURVEYORS

For actual service in surveying, laying out, marking and mapping any real estate of which <i>partition</i> shall be made, or of which <i>Dower</i> shall be admeasured, per day,.....	2.50
For each of his <i>chain</i> and <i>flag bearers</i> and other necessary <i>assistants</i> , per day (3 <i>R. S.</i> , 922, § 25),	1.00

TAXES.

See "*Collector*" and "*Supervisor.*"

TOWN AUDITORS.

See "*Auditors.*"

TOWN CHARGES.

The following shall be deemed *Town Charges* :

1. The compensation of *Town* officers for services rendered for their respective *Towns*.
2. The contingent *expenses* necessarily incurred for the benefit of the *Town*.
3. The money authorized to be raised by the *vote* of a *Town* meeting for any *Town* purpose.
4. Every sum directed by law to be raised for any *Town* purpose. 1 *R. S.*, 838, § 2.

All fees and accounts of *Magistrates* and other officers in cases *not felonies* in *Criminal Proceedings* had before the single *Magistrate*, are *Town charges*.

The costs of proceedings had *after* the person is *bound over* or *committed* and all proceedings in cases of *felonies* are a *County charge*.

All costs where the *proceedings* or the *trial* for the offense are had before any Court of Oyer and Terminer or Sessions are a *County charge*. 1 *R. S.*, 855-6, § 39.

"*Criminal Proceedings*," in the statute include proceedings against *beggars* and *vagrants*; to prevent the *Commission* of Crimes; against *disorderly persons* and *search warrants* and proceedings thereon. *People v. Supervisors of Ontario*, 4 *Denio*, 260.

The expenditures necessary for the building and repairing *roads* and *bridges* are paid by the Town. 2 *R. S.*, 382.

The expense of supporting at the *State Lunatic Asylum* an *Indigent Lunatic* which the Town would have been liable to support, if not sent to the Asylum, is a *Town charge*. 2 *R. S.*, 894-5, §§ 53 and 54.

In like manner the expense of clothing and maintaining at the *State Inebriate Asylum*, an *Indigent Inebriate* if a Town pauper, is chargeable to the Town. *Laws* 1873, *ch.* 625, § 20.

The expense of providing *books* for *Town Records*. 1 *R. S.*, 830, § 12.

For recording *chattel mortgages*. 3 *R. S.*, 224, § 18.

For recording proceedings of Boards of *Excise*. *Laws* 1870, *ch.* 175, § 7.

For recording description of *strays*. 1 *R. S.*, 831, § 19.

For Supervisor's accounts. 1 *R. S.*, 829, § 3.

And other books required by law to be kept by Town officers are chargeable to the Town.

The expense of furnishing a *Site* and building a *Town House*. 1 *R. S.*, 818, §§ 14, 15.

And of establishing and maintaining *pounds* is a *Town charge*. 1 *R. S.*, 817, § 9.

TOWN CLERKS.

For each day's service performed by him for the Town (*Laws* 1870, *ch.* 242, § 2),..... 2.00

For drawing a *Jury* in cases of *altering* or *laying out*

roads to be paid by applicant (<i>Laws</i> , 1873, 315, § 2),.....	1.00
For filing a <i>chattel mortgage</i> or copy,.....	.06
For entering the same in books as required by law (3 <i>R. S.</i> , 224, § 20),.....	.06
For drawing and certifying a Jury in cases of <i>re-assessment</i> of damages for laying out highways (2 <i>R. S.</i> , 398-9, § 90),.....	.50
For making sales of <i>floating timber</i> or lumber unclaimed as required by law :	
For every dollar collected to the amount of \$50,	.05
For every dollar collected over \$50 (2 <i>R. S.</i> , 971, § 8. <i>Laws</i> 1866, <i>ch.</i> 692, § 6),.....	.02½
For entering <i>note of strays</i> for all neat cattle and horses, each,.....	.06
And for each sheep to be paid by the person delivering the note (1 <i>R. S.</i> , 831, § 19),.....	.03
For filing and entering a certificate of <i>marriage</i> ,	.25
For a copy of such certificate or of the entry thereof (3 <i>R. S.</i> , 229, § 17), .....	.10

It is the duty of every person having the custody of the records or papers in any public office to search the files, papers, records and dockets and make transcripts of such papers or records when required and the legal fees offered. 3 *R. S.*, 481, § 85.

The following fees are usually allowed for the services mentioned :

For searching for each paper,.....	.06
For certified copies of such instruments same as allowed Clerks of Counties, per folio (<i>McCall's Clerk's Assistant</i> , 233, 2d ed.),.....	.06

TOWN SEALER.

See "*Sealer of Weights and Measures.*"

TRANSCRIPT.

See "*County Clerks*" and "*Justices of the Peace.*"

TRUSTEES OF SCHOOL DISTRICTS

Are not entitled to any remuneration for their services in that capacity. *N. Y. Code of Pub. Instruction*, 415, ed. of 1868.

VAGRANT.

See "*Beggars and Vagrants.*"

WARRANT.

(*Civil.*)

See "*Justices of the Peace*" and "*Constables.*"

WARRANT.

(*Criminal.*)

BEFORE INDICTMENT :

Criminal warrant may be issued by Justices of the Supreme Court, Judges of the Superior Court of City of New York, County Judges, Mayors, Recorders and Aldermen of Cities, Justices of the Peace, and Police Justices appointed in any City or elected in any Town. 3 *R. S.*, 993, § 1.

AFTER INDICTMENT :

A warrant for the arrest of any defendant *indicted*, may be issued by the Court to which such indictment shall be presented, or by any Justice of the Supreme Court, or County Judge of the County in which such indictment shall be found, or by the District Attorney. 3 *R. S.*, 1020, § 57.

No *Judicial Officer* except Justices of the Peace can receive to his own use any *fees* or *perquisites of office*. *Const.*, Art. 6, § 21.

For issuing a warrant for the arrest of an offender, *before indictment*, a Justice of the Peace is entitled to (*Laws 1866, ch. 692, § 3*),..... .25

A Criminal warrant may be directed to the *Sheriff* or to any *Constable* of the County. It must be executed by the officer to whom it shall be directed. 3 *R. S.*, 993, § 3. *N. Y. Civil and Cr. Justice*, 569, 1st ed. 3 *R. S.*, 1020, § 58.

No Board of Supervisors shall allow any account in favor of any Justice of the Peace for any *warrant* on any complaint for an *assault and battery*. 3 *R. S.*, 1046, § 1.

WARRANTS

(*Search*).

Search warrants are *Criminal Proceedings* and governed by the same rules as to fees and their payment as warrants for the arrest of persons. 4 *Denio*, 266.

The necessary *expenses* incurred in the *preservation* of property taken by virtue of a *search warrant* to be certified by the Magistrate who shall take the examination of the person accused of stealing such property, shall be paid by the owner of such property. 3 *R. S.*, 1041, §§ 38, 39.

WITNESS.

IN CIVIL CASES.

For each day while attending any Court or officer (except Justices' Court),.....	.50
If the witness resides more than three miles from the place of attendance for each mile going and returning (3 <i>R. S.</i> , 922, § 24), .....	.04
For attending before a <i>Justice of the Peace</i> in <i>Justice's Court</i> , or before a Commissioner appointed by a Justice of the Peace, or before a Justice of the Peace, taking depositions to be used in Courts in other States, for each day's actual attendance (<i>Laws</i> 1866, <i>ch.</i> 692, § 10),..	.25

Witnesses on proving a will, the like fees as in personal actions, to be paid by the person applying to have such will proved. 3 *R. S.*, 140, § 15.

IN CRIMINAL CASES.

In Criminal Cases, whether subpœnaed on the part of the people or of the defendant in any indictment, no fees. 3 *R. S.*, 1021, § 69.

Nor in any Court of Special Sessions. 3 *R. S.*, 1011, § 66.

If a person is *poor* or has come from any *other State or Territory* or from any *Foreign Country* and attends any Court of Oyer and Terminer, Court of Sessions or Circuit Court as a witness on behalf of the people, at the request of the public prosecutor, or upon a subpœna, or by virtue of a recognizance, the Court, or a Justice of the Supreme Court, in case the offense is above the grade of a misdemeanor, or the County Judge in cases of indictments pending in the Sessions, may direct the County Treasurer to pay such witness such sum as shall seem reasonable for his expenses, which sum the Treasurer shall pay on the production of a copy of such order, certified by the Clerk. 3 *R. S.*, 1051, §§ 23, 24, 25, 26, *as modified by ch. 155, Laws 1869.*
See "*Coroners.*"

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