

## CHAPTER CCXVI.

AN ACT FOR REGULATING AND ESTABLISHING FEES.<sup>1</sup>

For preventing of extortion and undue exactions of fees by the several officers and practitioners of law in this province, and to the end that all fees may be limited and reduced to certainty:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the free-men of the said Province in General Assembly met, and by the authority of the same, That the fees of the several officers and practitioners of law in this province shall be as hereinafter is ascertained, limited and appointed, viz.:

That the fees belonging to the keeper of the great seal of this province shall be as followeth, viz.:

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| For affixing the seal to the lieutenant-governor's commission,<br>to be paid by the public,                      | twenty shillings.  |
| For affixing the seal to the keeper of the great seal's commission, to be paid by the party,                     | fifteen shillings. |
| For affixing the seal to any body of laws passed in any session of assembly, to be paid by the public,           | twenty shillings.  |
| For affixing the seal to any copy of such body of laws sent home for the royal assent, to be paid by the public, | twenty shillings.  |
| For affixing the seal to each private law for sale of lands or hereditaments, to be paid by the party,           | six shillings.     |
| For affixing the seal to an exemplification of such laws, to be paid by the party,                               | six shillings.     |
| For affixing the seal to the master of the rolls commission, to be paid by the party,                            | fifteen shillings. |

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<sup>1</sup>The words inclosed in brackets in this act have been supplied from the printed session laws of 1714-15.

- For affixing the seal to every provincial judge's commission, to be paid by the public, six shillings.
- For affixing the seal to a commission of sheriff of the county and city of Philadelphia, to be paid by the party, ten shillings.
- For affixing the seal to a commission of sheriff of Bucks or Chester, each, to be paid by the party, five shillings.
- For affixing the seal to a proclamation by the governor and council, to be made by the public, four shillings six pence.
- For affixing the seal to a commission of the peace, to be paid by the county, six shillings.
- For affixing the seal to the attorney-general's commission, to be paid by the public, six shillings.
- For affixing the seal to the secretary's commission, to be paid by the party, six shillings.
- For affixing the seal to a commission for clerk of the county of Philadelphia, to be paid by the party, ten shillings.
- For affixing the seal to a commission for clerk of Bucks or Chester, each, to be paid by the party, five shillings.
- For affixing the seal to the surveyor-general's commission, to be paid by the party, six shillings.
- For affixing the seal to the register-general's commission, to be paid by the party, fifteen shillings.
- For affixing the seal to each coroner's commission, to be paid by the party, four shillings sixpence.
- For affixing the seal to a charter for a city, to be paid by the parties, fifty shillings.
- For affixing the seal to a charter for a borough or town, to be paid by the parties, twenty-five shillings.
- For affixing the seal to the proprietor's receiver-general's commission, to be paid by the party, five shillings.
- For affixing the seal to any single law (other than private acts) passed in any session of assembly, to be paid by the public, four shillings six pence.
- For affixing the seal to a special commission to try negroes, to be paid by the public, four shillings [six pence].
- For affixing the seal to each patent for land or lots, to be paid by the party, four shillings [six pence].

And that the fees belonging to the Master of the Rolls shall be as followeth, viz.:

- For recording the laws of the province, in a fair close hand, including parchment or book, for every line, not less than twelve words, one [with another, three] farthings.
- For exemplification or copying of all [laws under the] seal, for the royal assent, or for the several [counties] of this province, like fees.
- For recording, exemplifying, or copying all patents, commissions, proclamations and other instruments, for each line, as it stands recorded, as above, [three farthings].
- For recording deeds, [writings and things] appertaining to the enrollment office, he finding paper or parchment, for each line as aforesaid, one halfpenny.
- For a copy or exemplification of any record in the said office, as it stands recorded, for each line, one halfpenny.
- For searching any roll or record, one shilling.
- For endorsement of certificate, on each deed proved or acknowledged and his hand and seal thereto, one shilling six pence.

And that the fees belonging to the Justices of the Supreme Court, shall be as followeth, viz.:

- For allowing and signing the *allocatur* of every *certiorari* for removing of indictments, orders, &c., four shillings.
- For every cause brought into court by *certiorari* or writ of error, eight shillings.
- For taking bail to prosecute a *certiorari*, two shillings, six pence.
- For judgment on every writ of error, *nolle prosequi* or other matter to the bench, eight shillings.
- For each of the justices when they sit, to be paid by the province, twenty shillings per diem.
- For every rule of court, imparlance, continuance by advisement or otherwise, two shillings.
- For the justices when they sit by commission of oyer and terminer in capital cases, (to be paid by the province), ten pounds.

And that the fees belonging to the Governor's Secretary or Clerk of the Council, shall be as followeth, viz.:

- For reading and entering every petition to the governor and council for laying out high roads, three shillings.
- For entering their order thereupon, for laying out the road, and entering the return thereof when laid out, six shillings.
- For a copy thereof, if required, four shillings.
- For reading and entering every other petition, and the order, or answer thereof, [three shillings].
- For a Mediterranean pass, or let pass if required, each four shillings.
- For a register of every vessel, six shillings.
- For writing of the provincial judge's commission, or for trial of negroes, each, five shillings.
- For general commissions of the peace, to be paid by the county, each, eight shillings.
- For each single commission for a justice or coroner, to be paid by the county, six shillings.
- For each commission for a sheriff or clerk, to be paid by the party, six shillings.
- For a warrant under the lesser seal to affix the great seal to any body of laws, or single law, passed here, provincial judge's commission, commission of the peace, or any other commission, proclamation, or other public instrument, for each, two shillings six pence.
- For the like for a pardon, to be paid by the party, five shillings.

And that the fees belonging to the Proprietary's Secretary shall be as followeth, viz.:

- For every warrant for land directed to the surveyor, two shillings six pence.
- For every patent for land to be in parchment, nine shillings.
- For every recital of transference, or mentioning more than one tract or parcel of land, nine pence each, over and above the said nine shillings.

And that the fees belonging to the Justices shall be as followeth, viz.:

- For writing, signing and sealing every *mittimus* recognizance, certificate, pass, or other instrument, [one] shilling six pence.



For drawing every information, six shillings.

And that the fees belonging to the Sheriff of every county of this province shall be as followeth, viz.:

For serving a writ of arrest, and taking into custody, four shillings six pence.

For serving a summons, four shillings.

For return of a summons, arrest or attachment, one shilling.

For delivery of a copy of a declaration, one shilling.

For every bail bond, two shillings six pence.

For traveling charges, for every mile, two pence.

For summoning or serving a witness with a subpoena, besides mileage, nine pence.

For summoning and returning a jury in every cause where issue is joined, two shillings.

For copy of the panel when demanded by the plaintiff or defendant, nine pence.

For returning an execution for land, nine shillings.

For returning an execution for goods and chattels, one shilling six pence.

For serving an execution, and selling the lands or goods executed or delivered, then for the first twelve pounds, nine shillings, and for every pound above the said twelve pounds, and under one hundred pounds, six pence, and no more; and three pence per pound for all sums above one hundred pounds; and that no poundage be paid for more than the real debt, or damage due to the plaintiff named in the execution.

For the turnkey's fees, to be paid upon discharge of the prisoner, three shillings six pence.

If upon a debt under forty shillings, one shilling.

For executing writs of inquiry of damages, attesting the jury and making return thereof, twelve shillings.

For executing every other writ of inquiry, and all writs or orders for partition of [lands] or tenements, attesting the jury for any matter or thing [to be done] by him, about such partition, and making return thereof, twenty shillings.

But if the business of the partition exceed what the jury can perform in one day, then the sheriff [for every day more that he] shall attend on such jury, about the said partition [shall have seven] shillings six pence.

For every judgment in [civil causes,	one shilling].
[For] assigning every bail bond,	two shillings.
For [every criminal] cause,	eleven shillings three pence.
For every capital cause,	twenty-two shillings [six pence].
For levying fines, forfeitures and amercements [estreated and paid to the] treasurer, to be allowed [by the treasurer out of the] same,	six pence per pound.

And that the fees [belonging] to the coroner of every [county] of [this] province shall be as followeth, viz.:

For viewing a dead body,	ten shillings.
For summoning the inquest, entering the verdict, and returning the inquisition,	twelve shillings.
For summoning or arresting the sheriff, or any other person for him,	six shillings six pence.
For traveling charges, each mile,	two pence.

And that the fees belonging to the Prothonotary or Clerk of the Supreme Court, shall be as followeth, viz.:

For entering every action or cause there,	one shilling six pence.
For filing the errors assigned in every cause,	one shilling six pence.
For every <i>retraxit</i> , discontinuance or quashing of a writ of error,	one shilling six pence.
For entering every appearance,	one shilling six pence.
For filing and entering any demurrer, plea, replication, and every other subsequent plea and issue,	one shilling six pence.
For calling the jury and attesting them,	two shillings.
Attesting each witness in every cause,	one shilling.
For recording every verdict,	two shillings.
For recording every judgment,	two shillings.
For entering every rule, imparlance or continuance,	two shillings.
For entering the arrest of judgment,	two shillings.
For entering every warrant of attorney, <i>committitur</i> or rule of court,	one shilling six pence.
For reading the record, which is all the proceedings below and above,	three shillings.
For every <i>nolle prosequi</i> ,	two shillings.
For filing a declaration,	one shilling six pence.

For reading every affidavit,	one shilling.
For acknowledging satisfaction upon record,	two shillings.
For every subpoena to give evidence,	one shilling six pence.
And that the fees belonging to the Clerk of the General Sessions of the Peace and Gaol Delivery in every county and city of this province, shall be as followeth, viz.:	
For every warrant of the peace, or behavior, requiring to bring sureties, if drawn by the clerk,	nine pence.
For every common warrant, subpoena or <i>mittimus</i> , if drawn by the clerk,	nine pence.
For every deposition upon examination, if written by the clerk,	one shilling.
For every recognizance, if drawn by him,	one shilling.
For every indictment of felony, trespass, assault, battery, riot, &c., if drawn by the clerk,	three shillings.
And if not found,	eighteen pence.
For a copy thereof,	one shilling.
For every indictment or information wherein a statute or act of assembly is recited, if drawn by him,	four shillings six pence.
For a copy thereof,	one shilling six pence.
For entering an appearance to every indictment or information,	nine pence.
For discharge of every person upon bail for the peace, good behavior, contempt, or the like, with a warrant of discharge thereon,	one shilling.
For awarding and making out process against the defendant, upon [an information] or indictment,	one shilling six pence.
For [discharge of every indictment upon ignoramus],	one shilling.
For [every plea of not guilty,	one shilling.]
For [entering] every special plea or [demurrer,	one shilling].
For [entering every] submission,	[one shilling].
[For calling the jury and attesting them],	one shilling.
For [attesting each] witness in every trial,	six pence.
For entering every verdict,	one shilling.
For entering every judgment,	one shilling.
For a copy of every judgment,	nine pence.
For every judicial writ in criminal cases,	three shillings.



For respiting a recognizance,	one shilling.
For every writ of restitution,	three shillings.
[For drawing and entering every order of] sessions,	one shilling.
For copying every order of sessions,	one shilling.
[For reading and entering every petition,	one shilling].
For [entering every return at large, of a road laid out	three] shillings.
For a copy thereof, for every sheet, containing thirty lines, and twenty words in a line,	two shillings six pence.
For making out the estreats for levying fines and forfeitures of each session,	one shilling six pence.
For entering <i>similiter</i> to join issue,	six pence.
For relinquishing the plea, and entering submission,	one shilling.
For a <i>venire facias</i> ,	one shilling.
For reading the indictment, and arraigning the criminal,	one shilling.
For continuing the cause after issue joined,	one shilling.
For reading every evidence upon trial,	six pence.
For allowing every writ of <i>certiorari</i> , writ of error, or <i>proce-</i> <i>dendo</i> ,	six pence.
For entering a <i>nolle prosequi</i> ,	one shilling.
For entering the rule, upon a motion to arrest judgment,	one shilling.
For entering the arrest of judgment,	one shilling.
For a <i>habeas corpus</i> ,	three shillings.
For drawing up and examining every record of all the pro- ceedings upon indictments or informations, in rolls of parch- ment not less than ten inches wide, for every line contain- ing twelve words,	one penny.
For copy and signing thereof, if required,	one penny per line.
For writing every recommendation, for a license to keep a public inn or ale-house, for selling provision and all sorts of liquors, and making the bond or recognizance, and entering the said license, bond or recognizance,	six shillings.

And that the fees belonging to the Prothonotary or Clerk of the Common Pleas, in every county of this province, shall be as followeth, viz.:

For every arrest, attachment or summons if drawn by the clerk,	one shilling six pence.
For every replevin, if drawn by the clerk,	three shillings.
For entering every action,	six pence.
For filing the declaration or praecipe, each,	six pence.
For copy of a declaration in an action of account, debt, detinue, trespass, <i>assumpsit</i> , trover, and ejectment,	one shilling.
For copy of a declaration in an action of slander, covenant or waste,	two shillings six pence.
For withdrawing or discontinuing every action,	nine pence.
For entering every appearance,	six pence.
For filing and entering every demurrer, plea, replication and pleas subsequent, and issue in every action,	six pence.
For entering every general issue,	six pence.
For copy of every plea, replication or pleas subsequent, each,	one shilling.
For calling the jury and attesting them,	one shilling six pence.
For attesting each witness, which shall give evidence on every trial,	six pence.
For recording every verdict,	one shilling.
For entering the judgment,	one shilling.
For every imparlance or continuance by advisement or otherwise,	one shilling.
For entering a <i>committitur</i> ,	one shilling.
For entering every rule of court,	one shilling.
For admission of every guardian or next friend, and copy,	two shillings.
For entering every warrant of [attorney] and filing,	[six pence].
[For entering every <i>remittitur</i> for debt or damages,	one shilling.]
[For drawing the bill of costs] at large,	one shilling.
For acknowledging satisfaction of a judgment, upon record,	one shilling.
For making out the estreats for levying fines and forfeitures, in each court,	one shilling six pence.
For each cause contained in the list of issues to be set up in the clerk's office, and in court when sitting,	three pence.

And that the fees belonging to the Register of the Supreme Court of Equity, shall be as followeth, viz.:

For reading [entering and] filing a bill of complaint, [answer or demurrer, replication, rejoinder, &c.,

two shillings six pence, each].

[For a subpoena to answer, three shillings.]

[For a subpoena for witnesses, not exceeding six persons, one shilling] six pence.

For a copy of every bill, answer, replication, rejoinder, demurrer or report, for every sheet containing thirty lines and ten words in a line, two shillings six pence.

For a commission under seal of the court, to take answers or examine witnesses, three shillings.

For copy of an order, one shilling six pence.

For entering a decree or sentence at large, one penny per line, and each line to contain ten words.

For copy thereof, if required, one penny for every line of the original.

For every process of contempt, three shillings.

And that the fees belonging to the Register-General of this Province shall be as followeth, viz.:

For granting and making letters of administration, under the seal of the office, registering the same, and taking bond, thirteen shillings six pence.

For making and granting probate of a will, with a copy of the will, under the seal of the office, registering the same, and taking bond, eighteen shillings.

For copy of letters of administration, four shillings six pence.

For a citation, three shillings.

For filing the inventory and certifying the time when it was brought into the office, on the back of the bond, or if no bond, giving the executors such certificate, one shilling.

For copy thereof, if it exceed not one hundred pounds, four shillings.

But if it amount to more, six shillings.

For a search, one shilling six pence.

For a quietus, four shillings six pence.

For every caveat, one shilling six pence.

For filing and entering a renunciation, one shilling six pence.

- For copy of an administrator's account, nine shillings.
- For copy or exemplification of a will, under seal which does not go with the probate, for every line not less than twelve words, one halfpenny.
- And that the fees belonging to the Attorneys-at-law within this Province shall be as followeth, viz.:
- For every praecipe directing the manner of laying an action to be commenced, one shilling.
- For every arrest, attachment or summons, if drawn by the attorney, one shilling six pence.
- For every replevin, if drawn by the attorney, three shillings.
- For all actions they shall undertake in any court for plaintiff or defendant, twelve shillings.
- For drawing a declaration in actions of debt, detinue, trespass, assumpsit, trover, or ejectment, five shillings.
- For drawing a declaration in actions of slander or waste, six shillings.
- For drawing a declaration on bills of exchange or covenants, twelve shillings.
- For giving oyer of a bond, or other oyer, one shilling six pence.
- For giving notice of trial or of executing writ of inquiry, one shilling six pence.
- For attending every writ of inquiry, six shillings.
- [For drawing every plea, replication, demurrer, joinder in demurrer, and pleas subsequent, each, three shillings.]
- [For every trial or judgment, twelve shillings.]
- [For writing every writ of inquiry], *scire facias*, *venditioni exponas*, or execution, three shillings.
- For entering the record of all the process and proceedings in rolls of parchment, not less than ten inches wide, for every line containing twelve words, one penny.
- [For] copying, examining and signing the same if required, as before, one penny.
- For an injunction, prohibition, or *audita querela*, in parchment, six shillings.
- For every *venire facias*, in the common pleas, one shilling six pence.

- [For] every *venire facias*, in the [supreme court, three shillings].
- [For every] *scire facias*, there, six [shillings].
- [For drawing the recognizance for prosecuting a writ of error or *certiorari* there, two shillings six pence.]
- [For every writ of] execution in that court, [six] shillings.
- For drawing the record of all the process and proceedings in every cause there, to be done in rolls of parchment, not less than ten inches wide, and for every line containing twelve words, one penny halfpenny.
- And for copying, examining and signing the same, as before, one penny halfpenny.
- For drawing every warrant of attorney, one shilling.
- And that the fees belonging to the Constables within this Province shall be as followeth, viz.:
- For serving a warrant, one shilling.
- For traveling charges, two pence per mile going and the like coming.
- For every cause when it comes to a jury (if they attend the court) to be divided amongst them, one shilling.
- For serving every attachment, one shilling.
- For serving an execution for a debt under forty shillings, one shilling.
- For selling goods, taken in execution, one shilling.
- And that the fees belonging to all Juries and Inquests within this Province, shall be as followeth, viz.:
- For trying all actions, upon issue joined, eight pence per man.
- For every inquisition, on writs of inquiry of damages, *elegit* partition, or on any inquest of office, or other inquiry, each man per diem, three shillings.
- For every inquisition made by order of the coroner, or other officer, upon view of a dead body, each man per diem, two shillings three pence.
- And that every witness shall have for every day he spends in going, coming and attending to give evidence in any cause, two shillings per diem.
- And that the Crier of every court shall have for every action called in court, nine pence.



For certificate for enumerated commodities or European goods,  
three shillings.

For indorsement on a register if required,  
two shillings and six pence.

For a bill of health, if required, six shillings.

For a post entry, two shillings six pence.

And that the Comptroller shall have and receive for every ship or vessel cleared out to sea, three shillings.

And that the fees belonging to the Naval Officer shall be as followeth, viz.:

For entering every vessel, eight shillings.

For clearing every vessel, eight shillings.

For every bond for enumerating commodities,  
three shillings.

For signing certificates for bond given for enumerated commodities,  
one shilling six pence.

For signing certificate to cancel bond given abroad for enumerated commodities,  
three shillings.

For canceling plantation bond, on return of certificate,  
two shillings six pence.

For signing protection or registering men, if required,  
one shilling.

[Section II.] Provided always, and be it enacted by the authority aforesaid, That if the naval officer shall refuse to cancel the plantation bond, on return of certificate, he shall be liable to pay double damages to the party aggrieved by such refusal.

Provided also, That for entering and clearing any vessel, owned wholly by the inhabitants of this province, there shall be paid to the collector and naval officer, no more than one-half of the fees above set down for entering, and clearing vessels, respectively, anything therein contained to the contrary notwithstanding. And that the governor shall receive and take—

For a let pass, if required, to any vessel under sixty tons,  
six shillings.

For the same to any vessel above sixty tons, if required,  
eight shillings.

For registering any vessel and certifying the same as the law requires,  
eight shillings.

For a bill of health or Mediterranean pass, when required,  
six shillings.

And if any attorney-general, clerk of any of the said courts, or other persons, draw any indictment or information defective, they shall draw new bills or information, gratis, or forfeit five pounds with full costs to be recovered as hereafter directed.

[Section III.] And be it further enacted by the authority aforesaid, That all and every the respective officers and attorneys-at-law, whose fees are hereinbefore respectively ascertained, limited and appointed, shall and are hereby required to make fair tables of their fees respectively, according to this act, and to publish and set up the same in manner following, viz.: The fees of the respective courts in the said courts from time to time, during the sitting of the said courts, and the fees of other officers, in their respective offices, within three months after publication hereof, where it shall be constantly exposed to view [and inspection of all persons] who have business [in the said offices].

[And] if any attorney-at-law or officer hereinbefore [mentioned shall neglect] or delay to make and set up the [tables] of their fees [as herein] before limited and appointed by [this act, or shall by color of any law, custom or usage of [this province or] Great Britain, take, directly or indirectly any more, great[er or other] fees than is hereinbefore appointed for the doing, acting [or performing] any of the matters or things hereinbefore enumerated, or [shall make demand] of any fees, without giving the party of whom such fees [shall be demanded a bill of particulars] signed by him if demanded, [or shall refuse upon demand to give the party a receipt or discharge under his hand for the fees upon payment thereof, every] such person or officer shall forfeit and pay, for the first of every such offense the sum of ten pounds, current money of this province, and for the second offense the sum of twenty pounds money aforesaid, one-half to the governor for the support of this government, and the other half to him or them that shall sue for the same; which with the penalties and forfeitures aforesaid, shall be recovered in any court of record within this



province, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed; and for the third and every other offense be liable to be displaced or removed out of his office, any law, custom or usage to the contrary notwithstanding.

Passed May 28, 1715. Repealed by the Lords Justices in Council August 25, 1719. See Appendix IV, Section II, and the Act of Assembly passed March 30, 1723, Chapter 270.

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## CHAPTER CCXVII.

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AN ACT FOR LAYING A DUTY ON WINE, RUM, BRANDY AND SPIRITS, CIDER AND HOPS, IMPORTED INTO THIS PROVINCE.

To the end that due provision be made for paying the public debts and defraying the necessary charges of government:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That for all the said wines, liquors and hops which shall be imported, landed or brought into this province at any time after the first day of June in the year of our Lord one thousand seven hundred and fifteen, and before the first day of June in the year of our Lord one thousand seven hundred and eighteen, there shall be duly levied, collected and paid the several rates and duties hereafter mentioned: (That is to say) for every pipe of wine, which shall be imported within the time aforesaid, directly from the place of growth or product, the sum of forty shillings by the pipe, and so after that rate for any greater or lesser quantity; and also for every pipe of wine, which shall be imported, landed or brought into this province, within the time aforesaid, which

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