

Provided also, That nothing in this act contained shall be deemed, construed or taken to repeal, alter or make void the said-recited act, or any part thereof (except what is herein and hereby expressly altered or made void), but that the same act and every part thereof (except as before excepted) shall be and remain in full force as if this act had never been made. And that this act shall continue and be in full force till the expiration of the said-recited act and no longer.

Passed March 30, 1722-23. Apparently never submitted to the consideration of the Crown. See Appendix V, Section I, and the Act of Assembly passed December 12, 1723, Chapter 276.

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## CHAPTER CCLXX.

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### AN ACT FOR REGULATING AND ESTABLISHING FEES.

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 Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., 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 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 follows, viz.:

For affixing the seal to the lieutenant-governor's commission, to be paid by the public, fifteen shillings.

For affixing the seal to the keeper of the great seal's commission, to be paid by the party, twelve shillings.

For affixing the seal to any body of laws passed in any session of assembly, to be paid by the public, twelve 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, twelve shillings.

- For affixing the seal to each private law for sale of lands and 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, five shillings.
- For affixing the seal to the master of the rolls, commission, to be paid by the party, ten shillings.
- 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 city and county of Philadelphia, to be paid by the party, eight 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 paid by the public, four shillings and six pence.
- For affixing the seal to a commission of the peace, to be paid by the county, four shillings and six pence.
- For affixing the seal to the attorney-general's commission, to be paid by the public, four shillings and six pence.
- For affixing the seal to the secretary's commission, to be paid by the party, four shillings and six pence.
- For affixing the seal to the surveyor-general's commission, to be paid by the party, four shillings and six pence.
- 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, to be paid by the parties, five shillings.
- For affixing the seal to the register-general's commission, to be paid by the party, ten shillings.
- For affixing the seal to each coroner's commission, to be paid by the party, four shillings.
- For affixing the seal to a charter for a city, to be paid by the party, twenty shillings.
- For affixing the seal to a charter for a borough or town, to be paid by the parties, ten shillings.
- For affixing the seal to the proprietor's receiver-general's commission, to be paid by the party, four shillings and six pence.

For affixing the seal to any single law (other than private acts) passed in any session of assembly, four shillings and six pence.

For affixing the seal to a special commission, to be paid by the public, four shillings and six pence.

For affixing the seal to each patent for land or lots, to be paid by the party, four shillings and six pence.

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

For recording the laws of the province, in a fair, close hand, including a parchment or book, for every line, not less than twelve words, one with another, one halfpenny.

For exemplification or copying of all laws under the seal, for the royal assent, or for the several counties of this province, one halfpenny.

For recording, exemplifying or copying all patents, commissions, proclamations and other instruments, for each line, as it stands recorded as above, one halfpenny.

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 indorsement of certificate on each deed proved or acknowledged, and his hand and seal thereto, one shilling and six pence.

And that the fees belonging to the Justices of the Supreme Court shall be as follow, 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, six shillings.

For taking bail to prosecute a *certiorari*, two shillings.

For judgment on every writ of error, *nolle prosequi*, or other matter, to the bench, six shillings.

For [every] rule of court, imparlance, continuance, by advisement or otherwise, two shillings.

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

For reading and entering every petition to the governor and council, for laying out high-roads, two shillings.

For entering their order thereupon, for laying out the road, and entering the return thereof when laid out, four shillings and six pence.

For a copy thereof, if required, three shillings.

For reading and entering every other petition, and the order or answer thereof, two shillings.

For a Mediterranean pass, or let-pass, if required, each, three shillings.

For a register of every vessel, four 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, five shillings.

For a single commission for a justice or coroner, to be paid by the county, four shillings and six pence.

For a single commission for 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, each, two shillings and six pence.

For the like for a pardon, to be paid by the party, four shillings.

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

For every warrant of land, directed to the surveyor, two shillings.

For every patent for land, to be in parchment, seven shillings and six pence.

For every recital of transference, or mentioning more than one tract or parcel of land, nine pence each; over and above the said, seven shillings and six pence.

And that the fees belonging to the Attorney-General shall be as follow, viz.:

For every capital cause, where life is concerned, twenty-four shillings, for the whole prosecution, to be paid by the party. And if not found by the grand inquest, twelve shillings, to be paid by the county.

For every other matter by bill of indictment, six shillings.

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

For serving every writ [of arrest], and taking into custody, four shillings and six pence.

For serving a summons, three 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 and 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 returning an execution for land, six shillings.

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

For serving an execution and selling the lands or goods executed or delivered to the creditor, and returning the *venditioni exponas* or *liberari facias*, for any sum not exceeding one hundred pounds, six pence per pound. If above one hundred pounds, three pence per pound, and no more. 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 the discharge of a prisoner, two shillings and six pence. But if upon a debt under forty shillings, nine pence.

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

For executing every writ of inquiry, and all writs or orders of 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

the jury about the said partition, shall have six shillings *per diem*.

For every judgment in civil causes, one shilling.

For assigning every bail bond, one shilling and six pence.

For every criminal cause, ten shillings.

For every capital cause, twenty shillings.

For levying fines, forfeitures and amercements estreated and paid to the treasurer, six pence per pound, to be allowed by the treasurer out of the same.

And that the fees belonging to every Coroner of the counties of this province shall be as follow, viz.:

For viewing a dead body, ten shillings.

For summoning the inquest, entering the verdict, and returning the inquisition, ten shillings.

For summoning or arresting the sheriff, or any other person for him, four shillings and six pence.

For traveling charges, each mile, two pence.

And that the fees belonging to the Justices of the Peace shall be as follow, viz.:

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

For signing every attachment, arrest or summons, one shilling.

For taxing every bill of costs, and signing every judgment of court, one shilling.

For every continuance, one shilling.

For every judgment of court, upon confession, default, *nolle prosequi* or otherwise, bench-fees, four shillings.

For signing and sealing every judicial writ, one shilling.

For respiting every recognizance, six pence.

For writing the assignment of a servant, signing it and keeping a record thereof, two shillings.

For taking a deposition or affidavit out of court, one shilling.

For every warrant of summons, *capias* or attachment and execution for demand under forty shillings, each nine pence.

For every judgment for such debt or demand, nine pence.

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

- For entering every action or cause there, one shilling.
- For filing the errors assigned in every cause, one shilling.
- For every *retraxit*, discontinuance or quashing of a writ of error, one shilling.
- For entering every appearance, one shilling.
- For filing and entering any demurrer, plea, replication and every other subsequent plea and issue, one shilling and six pence.
- For calling the jury and attesting them, one shilling and six pence.
- For attesting each witness in every cause, nine pence.
- For recording every verdict, one shilling and six pence.
- For recording every judgment, one shilling.
- For entering every continuance, one shilling and six pence.
- For entering the arrest of judgment, one shilling and six pence.
- For entering every warrant of attorney, *committatur* or rule of court, one shilling.
- For reading the record, which is all the proceedings below and above, two shillings.
- For every *nolle prosequi*, one shilling.
- For filing a declaration, one shilling and six pence.
- For reading every affidavit, nine pence.
- For acknowledging satisfaction upon record, one shilling and six pence.
- For every subpoena to give evidence, one shilling and six pence.
- And that the fees belonging to the Clerk of the Court of General Quarter-Sessions of the Peace and Gaol Delivery in every county and city of this province shall be as follow, 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 *mittimus*, if drawn by the clerk, nine pence.
- For every deposition upon examination, if written by the clerk, nine pence.
- For every recognizance, if drawn by him, nine pence.
- For every indictment of felony, trespass, assault, battery, riot, &c., if drawn by the clerk, three shillings.
- For a copy thereof, one shilling.

- For entering appearance to every judgment 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.
- For discharge of every indictment upon *ignoramus*, nine pence.
- For every plea of not guilty, nine pence.
- For entering every special plea or demurrer, one shilling.
- For entering every submission, nine pence.
- For calling the jury and attesting them, nine pence.
- For attesting each witness in every trial, four pence.
- For entering every verdict, nine pence.
- For entering every judgment, nine pence.
- For a copy of every judgment, six pence.
- For every judicial writ in criminal cases, two shillings and six pence.
- For respiting a recognizance, nine pence.
- For every writ of restitution, two shillings.
- For drawing and entering every order of sessions, nine pence.
- For copying every order of sessions, nine pence.
- For reading and entering every petition, nine pence.
- For entering the return at large of a road laid out, two shillings and six pence.
- For a copy thereof, for every sheet, containing thirty lines and twenty words in a line, two shillings.
- For making out the estreats for levying fines and forfeitures of each session, one shilling.
- For entering *similiter* to join issue, six pence.
- For relinquishing the plea, and entering submission, nine pence.
- For a *venire facias*, one shilling.
- For reading the indictment and arraigning the criminal, nine pence.
- For continuing the cause after issue joined, nine pence.
- For reading every evidence upon trial, four pence.
- For allowing every writ of *certiorari*, writ of error or *procedendo*, six pence.



For entering a *nolle prosequi*, nine pence.

For entering the rule, upon a motion to arrest judgment, nine pence.

For entering the arrest of judgment, nine pence.

For a *habeas corpus*, two shillings.

For drawing up and examining every record of all the proceedings upon indictments or informations, in rolls of parchment not less than ten inches wide, for every line containing twelve words, three farthings.

For a copy and signing thereof, if required, one halfpenny per line.

For writing every recommendation for a license to keep a public inn or alehouse, for selling provision, and all sorts of liquors, and making the bond or recognizance, and entering the said license, bond or recognizance, five shillings.

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

For every arrest, attachment or summons, three shillings and four pence.

For every replevin, three shillings.

For entering every action, six pence.

For filing the declaration, six pence.

For a copy of the declaration, in an action of account, debt, detinue, trespass, *assumpsit*, trover and ejectment, one shilling.

For a copy of a declaration in an action of slander, covenant or waste, two shillings.

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 a copy of every plea, replication or pleas subsequent, six pence.

For calling the jury and attesting them, one shilling.

For attesting each witness, who shall give evidence on every trial, four pence.

For recording every verdict, nine pence.

For entering the judgment, nine pence.

For every continuance, nine pence.

For entering a *committatur*, nine pence.

For entering every warrant of attorney and filing, six pence.

For entering *remittatur*, for debt or damages, nine pence.

For drawing the bill of costs at large, nine pence.

For acknowledging satisfaction of a judgment upon record,  
nine pence.

For making out the estreats for levying fines and forfeitures in  
each court, one shilling.

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-General of this  
province shall be as follow, viz.:

For granting and making letters of administration under the  
seal of the office, registering the same and taking bonds,  
twelve shillings.

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

For a copy of letters of administration, four shillings.

For a citation, two 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, nine pence.

For a copy thereof, if it exceed not one hundred pounds, three  
shillings. But if it amount to more, six shillings.

For a search, one shilling and six pence.

For a *quietus*, four shillings.

For every *caveat*, one shilling.

For filing and entering a renunciation, one shilling.

For a copy of an administrator's account, if less than one sheet,  
four shillings; if more, three shillings per sheet.

For a 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 Attorney-at-Law in this  
province shall be as follow, viz.:

- For every replevin (if drawn by the attorney), three shillings.  
 For all actions they shall undertake in any court for plaintiff or defendant, with declaration, twelve shillings.  
 For attending every writ of inquiry, four shillings.  
 For every action brought to judgment, twelve shillings.  
 For writing every writ of inquiry, *scire facias*, *venditioni exponas* or execution, three shillings.  
 For drawing the recognizance for prosecuting a writ of error, or *certiorari* there, two shillings and six pence.  
 For every writ of execution in that court, six shillings.  
 For drawing every warrant of attorney, six pence.

And that the fees belonging to the Constables within this province shall be as follow, viz.:

- For serving a warrant, one shilling.  
 For traveling charges, two pence per mile.  
 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 follow, 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, two shillings *per diem*.  
 For every inquisition made by order of the coroner or other officer, upon view of a dead body, each man two shillings *per diem*.

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.

And that the fees belonging to the Surveyor of lands within this province shall be as follow, viz.:

- For every single hundred acres or lesser quantity surveyed by him, seven shillings and six pence.

For surveying any tract of land, above one hundred acres, for the first hundred, seven shillings and six pence, and for every hundred acres above, the sum of three shillings.

For a whole lot, with return and plot, six shillings.

Which said fees respectively shall be paid upon their delivering up the draft or plot, and return of the survey, signed with the surveyor's own hand, to the owner or possessor of the said lands or lots, and not before.

For searching for a warrant or return, and copy thereof, each, one shilling and six pence.

For traveling charges per mile, two pence.

For a search if not found, nine pence.

And the surveyor shall, in fair books, record the warrant and shall duly prove the drafts, and then record them.

For recording the proprietor's warrant, making a return thereof, after the survey, into his secretary's office, recording the same, and for a draft, five shillings.

Which fees as aforesaid are to be in full of all manner of fees that the surveyor, or his deputies, by any means whatsoever, may hereafter pretend to claim or take for any matter or thing relating to his said office.

And that the fees belonging to each Chain-carrier shall be after the rate of three shillings per day, and the owner of the land to find a marker.

And that the Comptroller shall have, for every ship or vessel above one hundred tons, six shillings, and for all vessels under, four shillings.

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

[Section II.] 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 to 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 the 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 hereinbefore 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, greater 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 or 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.

[Section III.] And be it further enacted by the authority aforesaid, That no attorney or practitioner at law shall be admitted to make any plea at the bar, except in his own case; without taking the following qualification by oath or affirmation, viz.:

Thou shalt behave thyself in the office of attorney, within the court, according to the best of thy learning and ability, and with all good fidelity, as well to the court as to the client. Thou shalt use no falsehood, nor delay any person's cause for lucre or malice.

[Section IV.] And be it further enacted by the authority

aforesaid, That from and after the publication of this act, the wages of this present assembly, and of all succeeding assemblies, shall be eight shillings *per diem*, for the Speaker, and five shillings *per diem*, for each of the other members.

Passed March 30, 1722-23. Allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix VI, Section I. Repealed by Act of Assembly passed August 22, 1752, Chapter 398.

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## CHAPTER CCLXXI.

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A SUPPLEMENTARY ACT TO AN ACT ENTITLED "AN ACT TO PREVENT THE EXPORTATION OF FLOUR NOT MERCHANTABLE."<sup>1</sup>

Whereas an act of assembly of this province entitled "An act to prevent the exportation of flour not merchantable," hath proved ineffectual to secure the good ends thereby intended:

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., 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 no owner or possessor or occupier of any grist mill in this province shall by himself, servant or others, presume to grind, or suffer to be ground into meal for bolting for exportation out of this province, any unsound, ill-dressed or unmerchantable wheat. And whatsoever owner, possessor or occupier of any such mill, as aforesaid, shall so grind, or suffer to be ground any such unsound, ill-dressed or unmerchantable wheat, to be bolted for exportation out of this province, contrary to the true intent and meaning of this act, he, she or they so offending in the premises shall forfeit and pay for every such offense the sum of thirty-five shillings on due proof thereof by one or more credible witnesses, before any one justice of the [peace] in this province.

[Section II.] And be it further enacted by the authority aforesaid, That Samuel Carpenter, appointed by the said-recited

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<sup>1</sup> Passed May 12, 1722, Chapter 252.