

SENATE No. 224

To accompany the petition of the Massachusetts County Commissioners' and Sheriffs' Association, by Thomas J. Costello, secretary, for legislation to increase entry fees in the Supreme Judicial and Superior Courts and establish a jury fee. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT INCREASING ENTRY FEES IN THE SUPREME JUDICIAL AND SUPERIOR COURTS AND ESTABLISHING A JURY FEE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section four of chapter two hundred
2 and sixty-two of the General Laws, as amended by
3 chapter one hundred and eighty-eight of the acts
4 of nineteen hundred and thirty-seven, is hereby
5 further amended by striking out the paragraph in-
6 cluded in lines eight to fifteen, inclusive, and in-
7 serting in place thereof the following: —

8 For entry of an action or suit, or of a petition in the
9 supreme judicial or superior court, ten dollars; for
10 entry in the superior court of a libel for divorce or
11 for affirming or annulling marriage, ten dollars; and
12 for filing a petition to the county commissioners,
13 three dollars, each of which fees shall be paid by the
14 party entering the same, and no other fee shall be

15 charged for taxing costs for issuing any subpoena,
16 injunction or execution, or for issuing any order of
17 notice or other mesne, interlocutory or final order,
18 rule, decree or process authorized by law.

1 SECTION 2. Said section four is hereby further
2 amended by inserting after the paragraph inserted by
3 section one of this act the following new paragraph:—

4 For trial by jury, as provided in section sixty of
5 chapter two hundred and thirty-one of the General
6 Laws, fifteen dollars.

1 SECTION 3. Chapter two hundred and thirty-one
2 of the General Laws is hereby amended by striking
3 out section sixty, as appearing in the Tercentenary
4 Edition, and inserting in place thereof the following:—

5 *Section 60.* A separate list of cases to be tried by
6 jury shall be kept in the supreme judicial court and
7 the superior court. A plaintiff shall be deemed to
8 waive trial by jury unless, within twenty-one days
9 after the entry of the case in such court, whether upon
10 appeal or removal or otherwise, he shall file a claim
11 of jury trial and pay to the clerk, to the use of the
12 county, a jury fee of fifteen dollars. Any other party
13 shall be deemed to waive trial by jury unless, within
14 twenty-one days after the return day of the writ,
15 subpoena, notice or other process by which he or his
16 property is brought before the court to answer in
17 the case, he shall file a claim of jury trial and pay to
18 the clerk, to the use of the county, a jury fee of fifteen
19 dollars. The court may in its discretion, upon mo-
20 tion, notwithstanding any such waiver, permit jury
21 trial of any case or any part thereof or issue therein,
22 with or without the payment of such jury fee.

1 SECTION 4. Sections two and three of this act
2 shall take effect on the first day of October in the
3 current year and shall apply to all cases then pending,
4 including cases in which a trial by jury has been
5 claimed. As to cases then pending, a party shall be
6 deemed to waive trial by jury unless, within the
7 period limited by section three, or within twenty-one
8 days after the effective date of this act, he shall file a
9 claim of jury trial, and pay to the clerk, to the use of
10 the county, a jury fee of fifteen dollars. The dis-
11 cretionary power given to the court by section three
12 to permit jury trial, notwithstanding any such waiver,
13 shall apply also to pending cases.

