

HOUSE No. 1349

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 23, 1934.

The committee on Legal Affairs, to whom were referred so much of the report of the special commission directed to study the general subject of public expenditures by the Commonwealth, counties, cities, towns and districts and the advisability of requiring justices of district courts to give their entire time to discharge of their judicial duties (Senate, No. 250) as relates to probate court fees (app. L), and so much of the annual report of the Judicial Council (Pub. Doc. No. 144) as relates to the investigation requested by the General Court of 1933 as to certain matters relating to fees and allowances of sheriffs and their deputies and constables and other public officers and to certain witness fees (pages 50-62), report the accompanying bill (House, No. 1349).

For the committee,

WILLIAM E. RAMSDELL.

The Commonwealth of Massachusetts

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

An Act relative to Entry and Other Fees in the Probate Courts.

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

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

5 *Section 40.* The fees of registers of probate and
6 insolvency, payable in advance by the petitioner,
7 libellant or accountant, shall be as follows:

8 For the entry of a libel for divorce or for affirming
9 or annulling marriage, five dollars.

10 For the entry of a petition for the probate of a will,
11 for administration on the estate of a person deceased
12 intestate, of a petition for administration of goods
13 not already administered, with the will annexed or
14 otherwise, of a petition under section thirty-five or
15 thirty-six of chapter two hundred and nine by a
16 husband or wife for authority to convey land as if
17 sole, of a petition for partition, of a petition for change
18 of name, of a petition for leave to carry on the busi-
19 ness of the deceased, and for filing a representation

20 of insolvency, and for the entry of a petition for the
21 appointment of a special administrator, conservator,
22 trustee, receiver of the estate of an absentee, or of
23 a guardian except when the petitioner certifies that
24 the ward's estate does not exceed one hundred dol-
25 lars, of a petition for the sale of real or personal estate,
26 including sales of estate subject to vested or contingent
27 remainder and petitions for sale of real estate or
28 removal of personal estate by foreign fiduciaries,
29 of a petition or application for allowance of each
30 account except when the petitioner or accountant
31 certifies that the estate does not exceed five thousand
32 dollars, of a petition for determination of value, of a
33 petition for leave to lease real estate, of a petition for
34 specific performance, of a petition for leave to mort-
35 gage real estate, of a petition in equity except such
36 as relates to separate support, divorce, adoption, or
37 the custody or support of minors, of a petition for re-
38 lease of dower or curtesy, of a petition for letters to
39 foreign guardian, of a petition for leave to compromise,
40 of a petition for leave to pay debts, three dollars; for
41 the entry of a general petition except such as relates to
42 divorce, separate support, adoption, or custody of
43 minors, one dollar; for the entry of petitions for the
44 removal of a fiduciary, for amendment of record
45 except such as relates to divorce, separate support,
46 adoption or the custody or support of minors, for dis-
47 charge of surety, for new bond, for care of burial lot,
48 for erection of a monument and for new inventory,
49 one dollar each.

50 For each certificate issued by the register, fifty
51 cents.

52 For copies of records or other papers in the charge

53 of the register at the rate of forty cents a page ex-
54 cept as otherwise provided by law; and for the
55 comparison and attestation of such copies as are
56 not prepared by the register, twenty cents for each
57 page, plus an attestation fee of twenty-five cents
58 for each copy.