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By Mr. Doherty of Boston, petition of Gerard F. Doherty for legislation to increase certain fees of sheriffs, deputy sheriffs and constables. Legal Affairs.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty.

AN ACT INCREASING CERTAIN FEES OF SHERIFFS, DEPUTY SHERIFFS  
AND CONSTABLES.

*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 262 of the General Laws is hereby amended by strik-  
2 ing out section 8, as most recently amended by section 6 of  
3 chapter 556 of the acts of 1954, and inserting in place thereof  
4 the following section:—

5 *Section 8.* The fees of sheriffs, deputy sheriffs and constables  
6 for service of civil process shall be as follows:—

7 For service of an original summons or scire facias, either by  
8 reading it or by leaving a copy thereof, two dollars for each  
9 defendant upon whom service is made, except as herein other-  
10 wise provided.

11 For service of a libel for divorce, including copy, five dollars.

12 For service of a capias, of an attachment with summons or  
13 of a trustee process, two dollars for each service upon each de-  
14 fendant or trustee.

15 For service of subpœna in a bill in equity under chapter two  
16 hundred and fifty-four, one dollar and fifty cents for each de-  
17 fendant upon whom service is made; for each copy of such  
18 subpœna, thirty cents; for filing an attested copy of such  
19 subpœna at the registry of deeds, one dollar and fifty cents.

20 For each copy of a supreme judicial, superior, probate or  
21 land court writ, precept or process, except as herein otherwise  
22 provided, one dollar.

23 For each copy of a district court writ, precept or process, one  
24 dollar and fifty cents.

25 If the officer by the direction of the plaintiff or his attorney  
26 makes a special service of a writ or precept, either by attach-  
27 ing personal property or arresting the body, he shall be entitled  
28 to one dollar for each defendant upon whom the writ is so  
29 served, and four dollars additional for custody of the body ar-  
30 rested, and at the same rate for each day during which he has  
31 such custody. If the officer employs an assistant in the arrest  
32 of the body, he shall be entitled to three dollars a day for such  
33 assistant.

34 For the custody of personal property attached, replevied or  
35 taken on execution, not more than six dollars for each day of  
36 not more than eight hours for the keeper while he is in charge,  
37 and not more than one dollar a day for the officer for a period  
38 not longer than ten days; but the officer may be allowed a  
39 greater compensation for himself or for his keeper, or com-  
40 pensation for a longer period, by the written consent of the  
41 plaintiff and the defendant whose property has been attached,  
42 replevied or taken on execution, or by order of the court upon  
43 a hearing. He shall also be entitled to expenses for packing,  
44 labor, teaming, storage and taking and preparing a schedule of  
45 property attached, replevied or taken on execution, if he certifies  
46 that such expenses were necessary and are reasonable.

47 For an attachment on mesne process of land or of any lease-  
48 hold estate, one dollar for each defendant against whom an  
49 attachment is made, five cents a mile each way for travel from  
50 the place of service to the registry, and his fee for the copy  
51 deposited in the registry of deeds or land court, together with  
52 the recording fees actually paid.

53 For a special attachment of real estate, one dollar additional  
54 for each person against whom an attachment is made.

55 For the service of a writ of replevin: for seizure of property,  
56 two dollars for each defendant; securing and swearing ap-  
57 praisers, two dollars, and the actual amount paid to appraisers,  
58 as hereinafter provided; examining and approving sureties, one  
59 dollar; delivery of property replevied, one dollar; for each  
60 service, one dollar; for each copy, at the rate hereinbefore pro-  
61 vided for copies of writs, precepts or other processes.

62 For a levy on real estate: for preparing and serving notice  
63 of sale, including copy and travel, three dollars for each debtor.

64 For preparing and posting notices of sale, six dollars.

65 The necessary expenses of advertising.

66 For the sale of land or of any leasehold estate, five dollars.

67 For preparing, executing and acknowledging deed, five  
68 dollars.

69 For travel, five cents a mile each way from the place where  
70 he receives the execution to the office of the register of deeds,  
71 and his fee for the copy.

72 For a sale of personal property on mesne process or on exe-  
73 cution the following:—

74 For service of a copy of notice to appoint appraisers, one  
75 dollar for each person upon whom service is made.

76 The necessary expenses of taking and preparing a schedule  
77 of property proposed to be sold.

78 For attendance upon and swearing appraisers, two dollars.

79 The amount actually paid to appraisers as hereinafter pro-  
80 vided.

81 For preparing and posting notice of a proposed sale, two  
82 dollars.

83 The necessary expenses of keeper, labor and advertising.

84 For custody of property, one dollar a day.

85 For services as auctioneer, or for services of an auctioneer  
86 in selling property, a fair and reasonable amount.

87 If the sale is made on execution, poundage may be charged  
88 as hereinafter provided.

89 The fair compensation for the services of an appraiser shall  
90 not be more than three dollars for each day's service, but the  
91 officer may be allowed a greater compensation for the appraisers  
92 by an order of the court.

93 For each adjournment of sale of real or personal property,  
94 two dollars.

95 For taking bail and furnishing and writing the bail bond,  
96 one dollar, which shall be paid by the defendant, and taxed in  
97 his bill of costs, if he prevails.

98 For serving an execution in a personal action by copy and  
99 demand on debtor or on trustee, two dollars and travel, if the  
100 execution is not collected in whole or in part; for serving an  
101 execution in a personal action, and collecting damages or costs  
102 on an execution, warrant of distress or other like process, for  
103 an amount not exceeding one hundred dollars, four cents for  
104 every dollar; all above one hundred dollars, and not exceeding

105 five hundred dollars, two cents for every dollar; and all above  
106 five hundred dollars, one cent for every dollar; but such per-  
107 centage shall be allowed only upon the amount actually  
108 collected. A levy of the execution upon his body shall be  
109 considered, so far as the fees of the officer are material, a full  
110 satisfaction of the execution if the debtor has recognized with  
111 surety or sureties as required by law.

112 For serving a writ of seisin or possession in a real action, five  
113 dollars for each parcel.

114 For serving an execution upon a judgment for partition, or  
115 for assignment of dower or curtesy, one dollar a day.

116 For serving a writ of capias in a civil proceeding, five dollars.

117 For serving a writ of habeas corpus, five dollars, together  
118 with the fee for service and copy.

119 For serving a venire or notice to jurors for attendance upon  
120 any court, civil or criminal, one dollar for each person upon  
121 whom the service is made.

122 For summoning witnesses, one dollar for each person upon  
123 whom service is made, and fifty cents for each copy served,  
124 together with the fee paid to the witness.

125 For dispersing treasurer's warrants and proclamations of all  
126 kinds, eight cents each, without allowance for travel.

127 For travel in the service of original writs, executions, war-  
128 rants, summonses, subpœnas, notices and like processes, five  
129 cents a mile each way, to be computed from the place of service  
130 to the court or place of return; and if the same precept or  
131 process is served upon more than one person, the travel shall  
132 be computed from the most remote place of service, with such  
133 further travel as was necessary in serving it; if the distance  
134 from the place of service to the place of return exceeds twenty  
135 and does not exceed fifty miles, five cents a mile one way only  
136 shall be allowed for all travel exceeding twenty miles, and, if it  
137 exceeds fifty miles, only one cent a mile one way shall be al-  
138 lowed for all travel exceeding that distance.

139 For travel in the service of venires and notices to jurors, five  
140 cents a mile for the distance actually traveled.

141 For serving criminal process, as follows:—

142 For serving a warrant of capias in a criminal proceeding, one  
143 dollar and fifty cents, and of a summons upon the defendant,  
144 ten cents, for each person upon whom the same is served.

145 For a copy of a mittimus, warrant or other precept required  
146 by law in criminal cases, twenty-five cents.

147 For travel in summoning witnesses in criminal cases, ten  
148 cents a mile each way for a distance of not more than twenty  
149 miles, and for any excess over twenty miles, five cents a mile  
150 each way, and no more. The distance shall be computed from  
151 the most remote place of service to the place of return, but  
152 upon a subpœna the court shall reduce the fee for travel to a  
153 reasonable amount for the service performed if the travel  
154 charged has not been actually performed by the officer who  
155 made the service.

156 For service of an order of notice under chapter two hundred  
157 and seventy-three A, two dollars, without travel allowance.



HOUSE

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THE CONSTITUTION OF THE UNITED STATES

IN THE YEAR 1787

Article I  
Section 1  
All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

