HOUSE . . . . No. 532

Bill accompanying the petition of Essex S. Abbott for the abolition of fictitious costs in civil actions. Legal Affairs. January 13.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

AN ACT

Relative to Costs in Civil Actions.

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

SECTION 1. Section twenty-four of chapter two hundred and three of the Revised Laws is hereby amended by striking out said section and inserting in place thereof the following: — *Section 24.* There shall be allowed as costs in a civil action in the supreme judicial court or the superior court, in addition to other disbursements allowed by law, an entry fee of three dollars.

SECTION 2. Section twenty-seven of chapter two hundred and three of the Revised Laws is hereby amended by striking out said section and inserting in place thereof the following:— *Section 27.* There shall

be allowed as costs in a civil action in a police, district or municipal court or before a trial justice, in addition to other disbursements allowed by law, an entry fee of one dollar.

SECTION 3. Section twenty-eight of chapter two hundred and three of the Revised Laws is hereby amended by striking out said section and inserting in place thereof the following: — *Section 28.* There shall be allowed as costs to a trustee or an adverse claimant in an action by the trustee process in a police, district or municipal court or before a trial justice, in addition to the other disbursements allowed by law, such costs as the court may allow.

SECTION 4. Section thirty of chapter two hundred and three of the Revised Laws is hereby repealed.

SECTION 5. Section sixty-seven of chapter one hundred and eighty-nine of the Revised Laws is hereby amended by striking out the words " for travel and term fees, and such further amount ", in the fourth line, — so that the same shall read as follows: — *Section 67.* If a person who is summoned as a trustee in the supreme judicial court or the superior court appears and answers pursuant to the provisions of this chapter, he shall be allowed his costs for counsel fees and other necessary expenses as the court may allow. If he is so summoned in a police, district or municipal court, or before a trial justice, he shall be allowed the costs fixed by section twenty-eight of chapter two hundred and three. If there has been a trial between the plaintiff and the alleged trustee upon any issue of fact the court may award costs to either party.

SECTION 6. The provisions of this act shall not apply to any costs which shall have accrued in any pending action at the time this act goes into effect.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and fifteen.