

[NEW DRAFT]

**SENATE . . . . . No. 1993**

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*The Commonwealth of Massachusetts*

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SENATE, July 18, 1979.

The Committee on Bills in the Third Reading to whom was referred the Senate Bill further regulating fees for the service of process (Senate, No. 874), reports recommending that the same be amended by substituting therefor a New Draft with the same title (Senate, No. 1993), and that, when so amended, the same will be correctly drawn.

For the Committee,

ARTHUR JOSEPH LEWIS, JR.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT FURTHER REGULATING FEES FOR THE SERVICE OF PROCESS.

*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 8 of chapter 262 of the General Laws as most re-  
2 cently amended by chapter 372 of the acts of 1973 is hereby  
3 further amended by striking out subdivision A and inserting  
4 in place thereof the following subdivision: —

5 A. For the service of civil process:

6 (1) For service of an original summons or scire facias,  
7 either by reading it or by leaving a copy thereof, eight dol-  
8 lars for each defendant upon whom service is made, except  
9 as herein otherwise provided.

10 (2) For service of a summons and complaint for divorce,  
11 including copy, fifteen dollars.

12 (3) For service of a *capias*, of an attachment with sum-  
13 mons or of a trustee process, eight dollars for each service  
14 upon each defendant or trustee.

15 (4) For service of subpoena in a bill in equity under chap-  
16 ter two hundred and fifty-four, fifty cents for each defendant  
17 upon whom service is made; for each copy of such subpoena,  
18 thirty cents; for filing an attested copy of such subpoena at  
19 the registry of deeds, fifty cents.

20 (5) For each copy of a supreme judicial, superior, probate  
21 or land court writ, precept or process, except as herein other-  
22 wise provided, one dollar.

23 (6) For each copy of a district court writ, precept or pro-  
24 cess, one dollar.

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

32 in the arrest of the body, he shall be entitled to three dollars  
33 a day for such assistant.

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

48 (9) For an attachment on mesne process of land or of any  
49 leasehold estate, five dollars for each defendant against whom  
50 an attachment is made, fifteen cents a mile each way for  
51 travel from the place of service to the registry, and his fee  
52 for the copy deposited in the registry of deeds or land court,  
53 together with the recording fees actually paid.

54 (10) For a special attachment of real estate, five dollars  
55 additional for each person against whom an attachment is  
56 made.

57 (11) For the service of a writ of replevin: for seizure of  
58 property, eight dollars for each defendant; securing and  
59 swearing appraisers, five dollars, and the actual amount paid  
60 to appraisers, as hereinafter provided; examining and ap-  
61 proving sureties, five dollars; delivery of property replevied,  
62 five dollars; for each service, five dollars for each copy, at the  
63 rate hereinbefore provided for copies of writs, precepts or  
64 other processes.

65 (12) For a levy on real estate: for preparing and serving  
66 notice of sale, including copy and travel, eight dollars for  
67 each debtor.

68 (13) For preparing and posting notices of sale, ten dollars.

69 (14) The necessary expenses of advertising.

70 (15) For the sale of land or of any leasehold estate, eight

71 dollars.

72 (16) For preparing, executing and acknowledging deed,  
73 fifteen dollars.

74 (17) For travel, fifteen cents a mile each way from the  
75 place where he receives the execution to the office of the reg-  
76 ister of deeds, and his fee for the copy.

77 (18) For a sale of personal property on mesne process or  
78 on execution the following:

79 (19) For service of a copy of notice to appoint appraisers,  
80 eight dollars for each person upon whom service is made.

81 (20) The necessary expenses of taking and preparing a  
82 schedule of property proposed to be sold.

83 (21) For attendance upon and swearing appraisers, ten dol-  
84 lars.

85 (22) The amount actually paid to appraisers as hereinafter  
86 provided.

87 (23) For preparing and posting notice of a proposed sale,  
88 ten dollars.

89 (24) The necessary expenses of keeper, labor and adver-  
90 tising.

91 (25) For custody of property, five dollars a day.

92 (26) For services as auctioneer, or for services of an auc-  
93 tioneer in selling property, a fair and reasonable amount.

94 (27) If the sale is made on execution, poundage may be  
95 charged as hereinafter provided.

96 (28) The fair compensation for the services of an appraiser  
97 shall not be more than fifteen dollars for each day's service,  
98 but the officer may be allowed a greater compensation for the  
99 appraisers by an order of the court.

100 (29) For each adjournment of sale of real or personal prop-  
101 erty, five dollars.

102 (30) For taking bail and furnishing and writing the bail  
103 bond, one dollar, which shall be paid by the defendant, and  
104 taxed in his bill of costs, if he prevails.

105 (31) For serving an execution in a personal action by copy  
106 and demand on debtor or on trustee, eight dollars and travel,  
107 if the execution is not collected in whole or in part; for serv-  
108 ing an execution in a personal action, and collecting damages  
109 or costs on an execution, warrant of distress or other like

110 process, for an amount not exceeding one hundred dollars,  
111 four cents for every dollar; all above one hundred dollars, and  
112 not exceeding five hundred dollars, two cents for every dol-  
113 lar; and all above five hundred dollars, one cent for every dol-  
114 lar; but such percentage shall be allowed only upon the  
115 amount actually collected. A levy of the execution upon his  
116 body shall be considered, so far as the fees of the officer are  
117 material, a full satisfaction of the execution if the debtor has  
118 recognized with surety or sureties as required by law.

119 (32) For serving a writ of seisin or possession in a real  
120 action, eight dollars for each parcel.

121 (33) For serving an execution upon a judgment for parti-  
122 tion, or for assignment of dower or curtesy, one dollar a day.

123 (34) For serving a writ of capias in a civil proceeding,  
124 fifteen dollars.

125 (35) For serving a writ of habeas corpus, fifteen dollars,  
126 together with the fee for service and copy.

127 (36) For serving a venire or notice to jurors for attendance  
128 upon any court, civil or criminal, four dollars for each person  
129 upon whom the service is made.

130 (37) For summoning witnesses, eight dollars for each per-  
131 son upon whom service is made, and one dollar for each copy  
132 served, together with the fee paid to the witness.

133 (38) For dispersing treasurer's warrants and proclamations  
134 of all kinds, eight dollars each.

135 (39) For travel in the service of original writs, executions,  
136 warrants, summonses, subpoenas, notices and like processess,  
137 fifteen cents a mile each way, to be computed from the place  
138 of service to the court or place of return; and if the same  
139 precept, or process is served upon more than one person, the  
140 travel shall be computed from the most remote place of serv-  
141 ice, with such further travel as was necessary in serving it;  
142 if the distance from the place of service to the place of return  
143 exceeds twenty and does not exceed fifty miles, fifteen cents  
144 a mile one way only shall be allowed for all travel exceding  
145 twenty miles, and, if it exceeds fifty miles, only four cents a  
146 mile one way shall be allowed for all travel exceeding that  
147 distance.

148 (40) For travel in the service of venires and notices to

149 jurors, fifteen cents a mile for the distance actually traveled.  
 150 (41) For posting warrants, for notifying town meetings or  
 151 for other purposes, three dollars for each copy posted to-  
 152 gether with fifteen cents a mile for the distance actually  
 153 travelled.

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