

SENATE...No. 89.

Commonwealth of Massachusetts.

IN SENATE, March 29, 1855.

The Joint Special Committee, to whom was referred the Petition of Anson Keyes and others, praying for a modification of the laws regulating the fees of Registers of Deeds and other recording officers, having investigated the subject, find that the fees at present allowed by law to Registers of Deeds were established in 1795—sixty years ago; and the amount of labor required of those officers, as well as other attending expenses, were much less than at present; and since that period the legislature has at different times added gradually to their duties, without any authorized increase of compensation.

There has also existed a diversity of opinion respecting the legal right of recording officers to receive greater fees than was allowed by the Act of 1795. The result has been, that in some counties the Registers of Deeds have received only the compensation provided for in the Act before mentioned, while others have supposed themselves justified in receiving fees more nearly corresponding to the labor performed; so that the average cost for recording deeds in Franklin County has been thirty-five and a half cents, in Suffolk County eighty-nine and a quarter cents, and the average for all the counties

in the State has been forty-eight and a quarter cents each. If the estimate is made by the page, the average is as follows, viz.: In Essex County thirteen cents, in Suffolk County twenty-five and three-quarters cents, and for the State sixteen and a half cents per page.

The Committee, therefore, in view of the foregoing facts, and for the purpose of increasing, equalizing and regulating the fees of recording officers, report the accompanying Bill.

F. DEWITT, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Five.

AN ACT

Regulating the Fees of Registers of Deeds and other
Recording Officers.

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

1 SECT. 1. The fees of registers of deeds, and other
2 recording officers for the like services, unless other-
3 wise provided for by law, shall be as follows, to wit:
4 For entering and recording a deed or other paper,
5 and certifying the same on the original, also indexing
6 the same according to law, and for all other official
7 duties pertaining to the same, twenty-five cents; and
8 if it contains more than one page, at the rate of
9 twenty cents for every page after the first; the said

10 fees to be paid when the instrument is left to be re-
11 corded; for all copies, at the rate of twenty cents a
12 page; for entering in the margin a discharge of a
13 mortgage, twelve cents.

1 SECT. 2. If any recording officer shall wilfully
2 and corruptly demand and receive any greater fee
3 than is allowed by this act for any official duty or
4 service, he shall forfeit fifty dollars for every such
5 offence, which sum may be recovered on an action or
6 indictment in any court proper to try the same; one-
7 half of said forfeiture shall be taken for the use of
8 the Commonwealth, and one-half thereof for the use
9 of the complainant: *provided, however,* such action or
10 indictment shall be commenced within one year after
11 the committing of the offence.

1 SECT. 3. In all cases not expressly provided for by
2 law, the fees of all recording officers for any official
3 duty or service shall be at the same rate as is pre-
4 scribed in this act for the like services.

1 SECT. 4. Sections fifteen, nineteen and twenty-one,
2 of chapter one hundred and twenty-two of the Revised
3 Statutes, and all other acts or parts of acts inconsis-
4 tent or conflicting with the provisions contained in this
5 act, are hereby repealed.

1 SECT. 5. This act shall take effect from and after
2 the first day of June, in the year one thousand eight
3 hundred and fifty-five.