

HOUSE.....No. 139.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 31, 1847.

The Committee on the Judiciary, to whom was referred the Order of the House, of February twenty-fourth, directing them to inquire whether further legislation is not necessary to regulate the fees of sheriffs and their deputies, have considered the same, and

REPORT:

That a diversity of opinion seems to have arisen upon the construction to be given to the eighty-ninth section of the fourteenth chapter of the Revised Statutes, which provides that the "sheriffs shall receive of their deputies twenty-five per cent. on the amount of fees for travel, service, and levy of all writs and executions."

Your Committee are of opinion that a true construction of the statute would exclude from its provisions warrants, copies of writs, messengers' warrants, and all process except writs and executions in civil actions.

Inasmuch, however, as the Committee are also of opinion that the evil complained of is one which will regulate itself, and as the subject is one for judicial rather than legislative action, they report that it is inexpedient to legislate thereon.

All of which is respectfully submitted :

Per order of the Committee,

CHA'S R. TRAIN.