

SENATE . . . . No. 193.

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Commonwealth of Massachusetts.

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IN SENATE, April 27, 1863.

The Joint Special Committee, to whom was committed the Petition of Samuel H. Reed and others, relating to the Fees of Officers for Service of Civil Processes, report the accompanying Bill.

Per order,

M. B. WHITNEY, *Chairman.*

Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty-  
Three.

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AN ACT

Relating to Officers' Fees for Service of Civil Processes.

*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. Sheriffs and other officers, qualified to  
2    serve civil processes, shall be allowed fees for the ser-  
3    vices herein specified, as follows:—

4    For the service of a *capias* or an attachment with  
5    summons, returnable in the supreme judicial court or  
6    superior court, if the officer, by the direction of the  
7    plaintiff or his attorney, makes a special service of  
8    such writ, either by attaching personal property in  
9    actions in which there is but one defendant, or by  
10   arresting the body, one dollar for each defendant on  
11   whom the writ is so served.

12 For attending an examination before a magistrate,  
13 upon an application of the defendant or debtor, when  
14 arrested on mesne process, or taken on execution,  
15 including care and custody of the party arrested, one  
16 dollar for each day which shall be allowed as part of  
17 the service of the writ or execution.

18 For travel in the service of original writs, execu-  
19 tions, subpoenas, and other like processes, in civil  
20 cases, five cents for each mile actually and necessarily  
21 travelled by direction of the party or his attorney, at  
22 whose request the service is made, only one travel to  
23 be allowed for the service of any one precept; and if  
24 the distance from the place of service to the place of  
25 return, exceeds such actual and necessary travel, there  
26 shall be further allowed for the distance exceeding  
27 such actual and necessary travel, one cent a mile one  
28 way.

29 For travel, made by the direction of the plaintiff,  
30 or his attorney, for the purpose of depositing in the  
31 clerk's office, according to law, the original writ, upon  
32 which an attachment of real estate is made, or a copy  
33 thereof, five cents for each mile actually and neces-  
34 sarily travelled, to be computed from the place of  
35 service to the office of the clerk; but whenever the  
36 travel to deposit such writ or copy and the travel  
37 made to serve the writ is, in whole or in part, the  
38 same travel, only one travel shall be allowed for such  
39 distance; for travel to deposit such writ or copy, when  
40 sent by mail or otherwise, one cent a mile, to be com-  
41 puted from the place of service to the office of the  
42 clerk.

1 SECT. 2. No fees shall be allowed for the keeping  
2 of property attached, unless actual custody and pos-

3 session thereof is taken and held by the officer; and,  
4 in such cases, reasonable fees for the actual custody  
5 of the property attached, and for the actual and  
6 necessary expenses incurred therein, shall be allowed,  
7 subject to the approval of the court. No such fees  
8 shall be allowed, unless the officer shall specifically  
9 set forth the same in his return, and make oath that  
10 such fees are reasonable and were actually and  
11 necessarily incurred.

1     SECT. 3. So much of the General Statutes as is  
2 inconsistent herewith, is hereby repealed.