

HOUSE No. 1558

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 15, 1943.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 822) of Charles D. Driscoll for legislation to authorize the right of appeal from a contempt adjudication and to a trial by jury, report the accompanying bill (House, No. 1558).

For the committee,

CHARLES D. DRISCOLL.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT AUTHORIZING THE RIGHT OF APPEAL FROM A
CONTEMPT ADJUDICATION AND TO A TRIAL BY JURY.

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

1 Whenever any person shall be adjudged guilty of a
2 criminal contempt and sentence is imposed he shall
3 have a right of appeal to the supreme judicial court.
4 This claim of appeal and a request for a report of the
5 record and the material facts or a transcript of the
6 material part of the stenographic record if any, to-
7 gether with a statement verified by affidavit of facts
8 not appearing of record shall as soon as may be, be
9 submitted to the judge who imposed the sentence
10 who shall forthwith report the record, the transcript
11 if any and material facts to be transmitted to the
12 supreme judicial court with the claim of appeal and
13 verified statement of the appellant. The appeal
14 shall stay the execution of the sentence and the
15 appellant shall be admitted to bail as provided for in
16 criminal cases. After the entry of the appeal in the
17 supreme judicial court the court may consider the
18 matter on the record and other evidence transmitted
19 or on its own motion or on application of the appellant
20 appoint a commissioner to hear the parties, determine

21 the facts and report to the court. Upon the report
22 the supreme judicial court shall determine whether
23 or not criminal contempt was committed and may
24 affirm or dismiss the proceedings or modify the sen-
25 tence in such manner as justice may require.

