

HOUSE No. 1060

Bill accompanying the petition of the Automobile Legal Association for legislation to permit persons charged with certain misdemeanors to appear by counsel. Joint Judiciary. January 18.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

To permit Persons charged with Certain Misdemeanors to appear by Counsel.

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 1. Any person charged with a misdemeanor
2 punishable by a fine of not more than twenty-five dollars
3 need not personally appear when summoned but may
4 appear by counsel: provided, that said counsel produce
5 a written power of attorney duly executed by the person
6 summoned: and provided, further, that the person so
7 charged shall cause to be deposited with the clerk of the
8 court the sum of twenty-five dollars before ten o'clock
9 in the forenoon of the day upon which the summons is
10 returnable.

1 SECTION 2. The power of attorney aforesaid shall be
2 duly acknowledged before a notary public or justice of
3 the peace and authorize the counsel aforesaid to plead
4 guilty or nolo contendere to the offense complained of,
5 and shall expressly waive the defendant's right to appeal
6 from the judgment of the court. If said power of
7 attorney be executed outside the commonwealth it shall
8 be duly acknowledged before a notary public.

1 SECTION 3. Upon the judgment of the court being
2 satisfied the clerk shall pay over to the said counsel
3 the balance, if any, of the amount deposited as afore-
4 said after deducting therefrom the fine or expenses im-
5 posed by the court.

1 SECTION 4. This act shall take effect upon its passage.