

HOUSE No. 4073

By Messrs. Mooney of Canton and Ronayne of Canton, petition of John J. Mooney, Maurice E. Ronayne, Jr., and another that provision be made for a speedy trial of a misdemeanor by a jury of six in the district courts of East Norfolk and Northern Norfolk. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT PROVIDING FOR THE SPEEDY TRIAL OF A MISDEMEANOR BY A JURY OF SIX IN THE DISTRICT COURT OF EAST NORFOLK AND NORTHERN NORFOLK.

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

- 1 Any defendant, in any district court of Norfolk county,
- 2 found guilty of a violation of a by-law, order, ordinance, rule or
- 3 regulation made by a city or town or public officer or of any
- 4 other misdemeanor, except libel, may appeal and claim a jury
- 5 of six in the district courts of east Norfolk and northern Norfolk.
- 6 Such claim of appeal shall be in writing and shall constitute a
- 7 waiver of any claim of appeal to a trial by a jury in the superior
- 8 court or other disposition in said superior court.
- 9 Any defendant found guilty in any district court of Norfolk
- 10 county of a violation of any of the offenses set forth in the first
- 11 paragraph who has appealed to the superior court may, at any
- 12 time before trial on such appeal, claim a trial by a jury of six
- 13 in the district courts of east or northern Norfolk. Such claim
- 14 shall be in writing and shall constitute a waiver of any right
- 15 to a trial by a jury in the superior court or other disposition in
- 16 said superior court. When a claim for a trial by a jury of six
- 17 in the district court of east or northern Norfolk has been made
- 18 under the provisions of this paragraph, the clerk of the superior

19 court shall forthwith forward to the clerk of said district court
20 all the papers in the case which have been filed in the superior
21 court.

22 The justice presiding at such session over a jury of six in said
23 district court of east or northern Norfolk shall have and exercise
24 all the powers and duties which a justice of the superior court
25 has and may exercise in the trial and disposition of such cases.

26 No justice so sitting shall act in a case in which he has either
27 sat or held an inquest in the district court or otherwise has taken
28 part in any proceeding therein.

29 Trials by such juries of six in said district courts of east or
30 northern Norfolk shall be held in the courthouse of said court, or
31 if not practicable there, then in the courthouse of the superior
32 court in the town of Dedham, and shall proceed in accordance
33 with the provisions of law applicable to trials by jury in the
34 superior court, except that the number of peremptory chal-
35 lenges shall be limited to two to each defendant. The common-
36 wealth shall be entitled to as many such challenges as equal the
37 whole number to which all of the defendants in the case are
38 entitled. Jurors shall be drawn from the pool of jurors available
39 for the jury sessions in either civil or criminal sessions in the
40 superior court for Norfolk county. The district attorney for the
41 Norfolk district shall appear for the commonwealth in all cases.
42 The chief justice of the district courts shall arrange for the jury
43 sessions of the district court of east or northern Norfolk and shall
44 assign justices and special justices thereto, to the end that
45 speedy trials may be provided for such appeals. In the event
46 of a trial by a jury of six in a district court, review may be had
47 directly by the supreme judicial court, by a bill of exceptions,
48 appeal, report or otherwise in the same manner provided for
49 trials by jury in the superior court. The defendant may elect
50 to waive a jury of six in the manner provided by section six of
51 chapter two hundred and sixty-three of the General Laws, but
52 such waiver shall not revive any right to a trial by jury or other
53 disposition in the superior court which had been waived under
54 the provisions of the first or second paragraphs.

55 The justice presiding at such session over a jury of six shall,
56 upon the request of the defendant, appoint a stenographer, who
57 shall be sworn, and who shall take stenographic notes of all the
58 testimony given at the trial, and shall provide the parties

59 thereto with a transcript of his notes or any part thereof taken
60 at the trial or hearing for which he shall be paid by the party
61 requesting it at the rate fixed by the chief justice of the district
62 courts; provided, however, that such rate shall not exceed the
63 rate provided by section eighty-eight of chapter two hundred
64 and twenty-one of the General Laws. Said chief justice may
65 make regulations not inconsistent with law relative to the
66 assignments, duties and service of stenographers appointed for
67 any district court, and any other matter relative to such stenog-
68 raphers. The compensation and expenses of said stenographer
69 shall be paid by the county.

The first part of the report is a history of the work done during the year. It begins with a description of the general state of the country, and then proceeds to a detailed account of the various projects and experiments carried out. The author describes the methods used, the results obtained, and the conclusions drawn from the work.

The second part of the report is a list of the names of the persons who have assisted in the work, and a list of the names of the persons who have been employed during the year. This is followed by a list of the names of the persons who have been elected to the office of Secretary, and a list of the names of the persons who have been elected to the office of Treasurer.

The third part of the report is a list of the names of the persons who have been elected to the office of President, and a list of the names of the persons who have been elected to the office of Vice-President. This is followed by a list of the names of the persons who have been elected to the office of Secretary, and a list of the names of the persons who have been elected to the office of Treasurer.

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