

static copy as evidence establishing such marriage, or may make a copy thereof, which he shall attest as a true copy, and which he may then file as such evidence.

If such certificate, declaration, written evidence, photostatic copy or attested copy is not, in the opinion of the clerk or registrar, sufficient to establish such marriage, and he refuses to file the same, a judge of probate in the county wherein such town lies may, on petition and after a hearing, order him to receive such certificate, declaration, written evidence, photostatic copy or attested copy as sufficient evidence to establish such marriage, whereupon such clerk or registrar shall file the same.

SECTION 2. Section fifty-five of said chapter two hundred and seven is hereby repealed. *Approved May 8, 1946.* G. L. (Ter. Ed.), 207, § 55, repealed.

AN ACT REQUIRING THE RELEASE OF CERTAIN PERSONS ARRESTED FOR DRUNKENNESS. *Chap. 274*

Be it enacted, etc., as follows:

Section forty-five of chapter two hundred and seventy-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eleventh, thirty-fourth and thirty-sixth lines, the word "may" and inserting in place thereof, in each instance, the word:— shall,— so as to read as follows:— *Section 45.* Whoever arrests a person for drunkenness shall make a complaint against him therefor at the next session of the court or of the trial justice having jurisdiction of the case; and such court or trial justice may proceed to hear and to dispose of the same according to due course of law; and may, if the accused has been released under this section, order the issuance of a warrant for the arrest, or a summons for the appearance, of the accused for trial, or if the court is satisfied by the report of its probation officer, or otherwise, or if the trial justice is satisfied upon inquiry that the accused has not four times before been arrested for drunkenness within a year, and that his written statement hereinafter mentioned is true, the court or trial justice shall thereupon direct that the accused, if still in custody, be released without arraignment; and if not in custody, that further proceedings in the case be suspended or that the complaint be dismissed.

A person so arrested may, after he has recovered from his intoxication, make a written statement, addressed to the court or trial justice having jurisdiction of his offence, giving his name and address, setting forth what persons, if any, are dependent upon him for support, his place of employment, if any, and whether he has been arrested for drunkenness within the twelve months next preceding, and requesting to be released from custody; and may deliver said statement to the officer in charge of the place in which he is confined, who shall endorse thereon the name of the arresting officer, and if the arrest is made within the jurisdiction

G. L. (Ter. Ed.) 272, § 45, amended.

Persons arrested for drunkenness may be released in certain cases.

Persons so arrested may make a statement in writing and request to be released from custody, etc.

of a trial justice, his opinion of the probable truth of said statement for the use of such trial justice, and shall transmit the same to such trial justice; and if the arrest is made within the jurisdiction of a court having a probation officer, the officer in charge of the place in which he is confined shall transmit such statement to said probation officer. Said probation officer, or his assistants, shall forthwith inquire into the truth thereof and shall investigate the record of said person as to previous similar offences, and, for the use of the court having jurisdiction of the case, shall endorse on such statement, with his signature, the result of his investigation. The officer for the time being in charge of the place of custody in a town where no probation officer resides forthwith shall release, and elsewhere the probation officer or assistant probation officer of the court having jurisdiction of the offence shall direct the officer in charge of the place of custody forthwith to release, and such officer so in charge shall thereupon release, such arrested person pursuant to his request; provided, that the officer so releasing or directing the release believes that the person arrested has given his true name and address, that he will appear upon a summons, and that he has not four times before been arrested for drunkenness within the preceding twelve months.

Approved May 8, 1946.

Chap. 275 AN ACT RELATIVE TO THE FURTHER SENTENCING OF CERTAIN CONVICTS UNDER SENTENCE OF IMPRISONMENT IN THE MASSACHUSETTS REFORMATORY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 279, § 28, amended.

Section twenty-eight of chapter two hundred and seventy-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following sentence:—No sentence of imprisonment shall be imposed under this section in the Massachusetts reformatory, notwithstanding the provisions of section thirty-one, — so as to read as follows:—*Section 28.* If a convict serving a sentence of imprisonment in the Massachusetts reformatory is convicted of a crime punishable by imprisonment in the state prison or house of correction, the court may impose sentence of imprisonment therein and may order it to take effect forthwith, notwithstanding the former sentence. The convict shall thereupon be removed accordingly, and shall be discharged at the expiration of his sentence thereto. No sentence of imprisonment shall be imposed under this section in the Massachusetts reformatory, notwithstanding the provisions of section thirty-one.

Sentence to state prison may be executed immediately in certain cases.

Approved May 8, 1946.