

HOUSE No. 617.

HOUSE OF REPRESENTATIVES, Feb. 2, 1898.

[Introduced on leave by Mr. PONCE of Cambridge. Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-eight.

AN ACT

To secure Uniformity in taking Bail in Criminal Cases in
this Commonwealth.

*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 forty-six of chapter two hundred and twelve
2 of the Public Statutes is hereby amended by adding
3 thereto the following words: "All persons authorized
4 to take bail under this section shall conform to and be
5 governed by the rules of the justices of the superior
6 court, or supreme court."

7 Section fifty of chapter two hundred and twelve of the
8 Public Statutes is hereby amended so that the same shall
9 read as follows:—

10 "When application is made to any person authorized to
11 take bail in criminal cases, within the county of Suffolk

12 to accept bail out of court in a case in which no amount
13 has been fixed, he shall, if the crime charged is above
14 the jurisdiction of the municipal court of the city of
15 Boston, before fixing bail, cause notice of such applica-
16 tion to be given to the district-attorney or assistant
17 district-attorney for the Suffolk district, if either of said
18 officers is at the time within said district."

19 Section forty-nine of chapter two hundred and twelve
20 of the Public Statutes is hereby amended by striking
21 out the following words: "preceding section," also the
22 words "judge or commissioner," also the words "which
23 certificate shall be returned with the recognizance to the
24 proper court," and add certain words so that said section
25 shall read as follows:—

26 "When bail is taken out of court the person authorized
27 to take bail in criminal cases shall cause a certificate to
28 be signed and sworn to by each surety, which shall con-
29 tain the name, residence, including the street and num-
30 ber of the dwelling house and the occupation and place
31 of business of the surety, and a statement of the nature,
32 location and value of his property, and of the encum-
33 brances if any thereon, the amount of his indebtedness,
34 and all other matters pertinent to the amount and value
35 of such property, and shall return a proper recognizance
36 to the proper court. If any material statement in such
37 certificate is false, the person making the same shall be
38 deemed to have committed perjury."

