

HOUSE No. 728.

[Bill accompanying the petition of Richard Olney. Judiciary.]

Commonwealth of Massachusetts.

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

AN ACT

Relative to Poor-Debtor Proceedings.

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. Section thirty-six of chapter one hundred
2 and sixty-two of the Public Statutes is hereby amended
3 by striking out the word "double" in the fourth line
4 thereof, so that said section as amended shall read:—
5 "Pending the examination, and at any time after the
6 defendant or debtor is carried before a magistrate, the
7 magistrate may accept his recognizance with surety or
8 sureties in a sum not less than the amount of the execu-
9 tion, or of the ad damnum in the writ if he is arrested on
10 mesne process, that he will appear at the time fixed for
11 his examination, and from time to time until the same is
12 concluded, and not depart without leave of the magistrate,
13 making no default at any time fixed for his examination,

14 and abide the final order of the magistrate thereon. No
15 recognizance under this chapter, except in case of appeal
16 under section fifty, shall be accepted at any time after
17 the oath has been once refused to the debtor."

1 SECTION 2. Section twelve of chapter four hundred
2 and nineteen of the acts of eighteen hundred and eighty-
3 eight is hereby amended by adding after the word
4 "examination" in the eighteenth line thereof the fol-
5 lowing words, to wit: "or for the purpose of entering
6 into a recognizance as provided for by sections thirty-six
7 and fifty-one of chapter one hundred and sixty-two of
8 the Public Statutes and acts amendatory thereof and
9 supplementary thereto," so that said section as amended
10 shall read as follows:—

11 "Any justice of any court of record or police, district,
12 or municipal court, and any special justice when exercis-
13 ing the powers and duties of a justice of any such court
14 may act as such court under chapter one hundred and
15 sixty-two of the Public Statutes, and any act amendatory
16 thereof or supplementary thereto. Under the said
17 chapter and acts any such court shall have the powers
18 and duties therein given to a justice thereof. Upon
19 legal application made to any police, district or
20 municipal court, such court shall exercise and perform
21 its said powers and duties under the said chapter and
22 acts, accordingly, without unreasonable delay. The term
23 "magistrate" and the term "magistrates" whenever
24 either occurs in any section of the said chapter or acts
25 shall be construed to mean, respectively, magistrate or
26 court, and magistrates or courts. There shall be no
27 appeal from any judgment or order of any court or
28 magistrate rendered or made under the said chapter or
29 acts, except as provided in and by the said chapter.
30 Any court or magistrate acting under the said chapter or

31 acts may issue a writ of habeas corpus when necessary
32 to bring before such court or magistrate for examination
33 or for the purpose of entering into a recognizance as pro-
34 vided for by sections thirty-six and fifty-one of chapter
35 one hundred and sixty-two of the Public Statutes and
36 acts amendatory thereof and supplementary thereto, a
37 defendant or debtor imprisoned on mesne process or
38 execution, and the proceedings provided for in chapter
39 one hundred and eighty-five of the Public Statutes shall
40 be followed so far as the same are applicable thereto.”

