

AN ACT RELATIVE TO PROBATION, SUSPENDED SENTENCES AND FILING OF COMPLAINTS IN DISTRICT COURTS. *Chap. 271*

*Be it enacted, etc., as follows:*

SECTION 1. Section eighty-seven of chapter two hundred and seventy-six of the General Laws is hereby amended by adding at the end thereof the following: — ; provided, that no person convicted of a felony by a district court shall be placed on probation by said court in such case if it shall appear that he has been previously convicted of any felony, — so as to read as follows: — *Section 87.* The superior court may place upon probation under any of its probation officers any person before it charged with crime and any court may place any person convicted before it in the care of its probation officer for such time and upon such conditions as it deems proper; provided, that no person convicted of a felony by a district court shall be placed on probation by said court in such case if it shall appear that he has been previously convicted of any felony.

G. L. 276, § 87, amended.

Court may place certain persons in care of probation officers.

Proviso.

SECTION 2. Section one of chapter two hundred and seventy-nine of the General Laws, as amended by section one of chapter one hundred and seventy-five of the acts of nineteen hundred and twenty-four and by section two of chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-five, is hereby further amended by adding at the end thereof the following: — , or of a person convicted of a felony if it shall appear that he has been previously convicted of any felony, — so that the paragraph added by section two of said chapter two hundred and ninety-seven will read as follows: — The provisions of this section shall not permit the suspension of the execution of the sentence of a person convicted of operating a motor vehicle while under the influence of intoxicating liquor if such offence was committed within a period of six years immediately following his final conviction of a like offence by a court or magistrate of the commonwealth, or of a person convicted of a felony if it shall appear that he has been previously convicted of any felony.

G. L. 279, § 1, etc., amended.

Suspension of execution of sentence of certain convicted persons prohibited if, etc.

SECTION 3. Section one A of said chapter two hundred and seventy-nine, inserted by section two of said chapter one hundred and seventy-five, is hereby amended by adding at the end thereof the following new sentence: — This section shall not permit the suspension of the execution of the sentence of any person convicted of a felony if it shall appear that he has been previously convicted of any felony.

G. L. 279, § 1A, etc., amended.

Suspension of execution of sentence of certain convicted persons not permitted if, etc.

SECTION 4. Section thirty-eight of chapter two hundred and eighteen of the General Laws is hereby amended by striking out all after the word “court” in the eighth line and inserting in place thereof the following new sentence: — Subject to any other provisions of law relative to the filing of complaints for particular crimes, district courts may place on file any complaint in a criminal case other than a com-

G. L. 218, § 38, amended.

District courts,  
always open,  
etc.

Sittings, where  
and when held.

Adjournment  
of sittings, con-  
tinuance of  
cases, etc.

Placing of cer-  
tain complaints  
on file, etc.

plaint for the commission of a felony issued against a person who appears previously to have been convicted of a felony or previously to have had a complaint for felony placed on file, — so as to read as follows: — *Section 38.* District courts shall always be open and business may be transacted at any time, except as provided in section six of chapter two hundred and twenty. Sittings of the courts shall be held in the court houses or other places provided therefor by the county, at the times and in the towns fixed by law; but if the times are not established by law they shall be fixed by the courts by general rule. Sittings may be adjourned from time to time as occasion requires, and cases, civil or criminal, may be continued to any future day fixed for the sitting of the court. Subject to any other provisions of law relative to the filing of complaints for particular crimes, district courts may place on file any complaint in a criminal case other than a complaint for the commission of a felony issued against a person who appears previously to have been convicted of a felony or previously to have had a complaint for felony placed on file. *Approved April 23, 1926.*

*Chap. 272* AN ACT TO AUTHORIZE THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS TO APPOINT A SECRETARY AND CLERICAL ASSISTANTS.

*Be it enacted, etc., as follows:*

G. L. 26, § 8A,  
etc., amended.

Section eight A of chapter twenty-six of the General Laws, inserted by section three of chapter three hundred and forty-six of the acts of nineteen hundred and twenty-five, is hereby amended by inserting after the word "board" the first time it occurs in the twelfth line the following new sentence: — With the approval of the governor and council, the board may appoint and remove a secretary and such clerical and other assistants as its work may require, and fix their compensation. All expenditures incurred under this section shall be paid from the highway fund. The secretary shall keep a record of all proceedings before the board, and he and such clerical and other assistants shall perform such duties as the board may direct, — and by striking out, in the twenty-fourth and twenty-fifth lines, the words " , and the board may employ a stenographer ", — so as to read as follows: — *Section 8A.* There shall be a board of appeal on motor vehicle liability policies and bonds serving in the division of insurance and consisting of the commissioner of insurance or a representative to be designated by him, the registrar of motor vehicles or a representative to be designated by the commissioner of public works, and an assistant attorney general to be designated by the attorney general. The compensation of such a representative, if not an employee of the commonwealth, shall be fixed by the board, subject to the approval of the governor and council. The commissioner of insurance or his representative shall be the chairman of the board. With the approval of the governor and council, the board may appoint and remove a secretary and such clerical

Board of appeal  
on motor  
vehicle liability  
policies and  
bonds, estab-  
lishment, com-  
position, etc.

Chairman.

Secretary and  
clerical, etc.,  
assistants.