

HOUSE...No. 14.

[Reported by the Committee on the Judiciary.]

Commonwealth of Massachusetts.

In the year One Thousand Eight Hundred and Forty-four.

AN ACT

In further addition to an Act entitled "An Act relating to the Court of Common Pleas and the Municipal Court of the city of Boston."

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

1 SECT. 1. All actions, suits and prosecutions in the
2 name of the Commonwealth, upon recognizances taken
3 in any criminal prosecution or proceeding in the coun-
4 ty of Suffolk, may be brought in and before the Mu-
5 nicipal Court of the city of Boston, and said Munici-
6 pal Court shall have jurisdiction thereof concurrent
7 with the Court of Common Pleas and Supreme Judi-

8 cial Court in said county, in all cases wherein said
9 Court of Common Pleas and Supreme Judicial Court
10 respectively now have jurisdiction; and all writs for
11 the recovery of the penalties of such recognizances
12 shall be in the forms prescribed by law, and may be
13 sued out in term time or vacation, and shall be served
14 fourteen days before the term at which they are re-
15 turnable; and said Municipal Court shall have power
16 and authority to render judgment for the whole, or any
17 part they think proper, of the penal sum of such re-
18 cognizances respectively, and interest thereon, and issue
19 writs of execution, in form prescribed by law, against
20 the party sued in said actions, and the said writs of
21 execution shall be tested, sealed, directed and served in
22 the same manner as writs of execution issuing from
23 the Courts of Common Pleas of said Commonwealth.

1 SECT. 2. The seal of the said Municipal Court
2 shall in all cases be the same as that of the Court of
3 Common Pleas of said Commonwealth.

1 SECT. 3. The clerk of the said Municipal Court,
2 seven days at least, and not more than fourteen days,
3 before each term of the said Court, commencing on the
4 first Monday of January and the first Monday of July,
5 in each year, shall issue a writ of venire facias for
6 twenty-three grand jurors to serve in said Court, twen-
7 ty-two of whom shall be drawn and returned from the
8 city of Boston, and one from the town of Chelsea, in
9 said county of Suffolk, and the grand jurors so re-
10 turned shall constitute the grand inquest of the Com-
11 monwealth for said county, for the term of six months,
12 and until another grand jury is impannelled in their
13 stead; and the second section of the one hundred and
14 thirty-sixth chapter of the Revised Statues is hereby

15 repealed, saving and excepting that all grand jurors
16 sworn and impannelled for said county according to
17 law, and not discharged before this act shall take ef-
18 fect, shall constitute the grand jury for the said Muni-
19 cipal Court, and also for the Supreme Judicial Court
20 in said county of Suffolk, until another grand jury shall
21 be sworn and impannelled in their stead by virtue of
22 this act.

1 SECT. 4. If the grand jury, attending at any term
2 of the Municipal Court, shall find and return to the
3 Court any indictment for any crime punishable with
4 death, if the person accused be not in custody, pro-
5 cess shall be forthwith issued for the arrest of the
6 party charged with such offence, and the party so
7 charged shall, as soon as may be, be served with a
8 copy of the indictment by the sheriff or his deputy,
9 with an order of court giving notice to the accused
10 that the indictment will be entered at the Supreme
11 Judicial Court next to be holden in and for said county
12 of Suffolk, or at any intermediate time before the next
13 term when said Supreme Judicial Court shall be in
14 session in said county, and notice of such indictment
15 shall also be forthwith given to the chief or first jus-
16 tice of that Court by the clerk of said Municipal
17 Court; and the said clerk shall transmit and certify
18 the original indictment to the Supreme Judicial Court
19 at the next term thereof, or at any intermediate time
20 when said Supreme Judicial Court shall be in session
21 in said county, where it shall be entered, and the said
22 Supreme Judicial Court shall then and there have full
23 cognizance and jurisdiction thereof, and the same pro-
24 ceedings shall be had, as if the said indictment had

25 been found and returned in said Supreme Judicial
26 Court.

1 SECT. 5. The sixth section of the seventh chapter
2 of the act of the year eighteen hundred and forty-
3 three, to which this act is in addition, entitled "An Act
4 relating to the Court of Common Pleas and the Muni-
5 pal Court of the city of Boston," is hereby repealed.

1 SECT. 6. This act shall take effect from and after
2 the first Monday of April next.