

# HOUSE . . . . . No. 1175.

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Mr. O'Brien of Worcester gives notice that he will move to substitute this bill for the report of the joint committee on the Judiciary, leave to withdraw.

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Four.

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### AN ACT

Relative to Appeals in Criminal Cases.

*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. A defendant who is convicted of  
2 a criminal charge by a police, district or municipal  
3 court, and who is sentenced to serve a term in  
4 any institution, or who is imprisoned in any insti-  
5 tution upon non-payment of a fine, shall, if he so  
6 requests of any officer or keeper of the institution  
7 in which he is so confined within forty-eight  
8 hours after he is placed therein, be brought before  
9 the court which sentenced him, at its next session,  
10 if practicable, and if not, as soon as possible, and

11 shall be allowed to enter an appeal and to give  
12 bail with the same force and effect as if he had  
13 appealed when sentence was pronounced against  
14 him.

1 SECTION 2. In all criminal cases where a con-  
2 viction is had, witnesses for the government shall  
3 recognize personally, except as provided in sec-  
4 tion three of this act, to appear at any future  
5 session of the court to which the defendant's trial  
6 upon appeal would be had.

1 SECTION 3. When in the opinion of the court  
2 pronouncing sentence a witness or witnesses for  
3 the government should recognize with surety or  
4 sureties, or should be held in some house of deten-  
5 tion to insure their appearance at any further  
6 trial of the defendant, said court shall make  
7 known his opinion to the defendant when sen-  
8 tence is pronounced, and such defendant's appeal  
9 shall not be valid unless made before the close  
10 of the session at which he was sentenced.

1 SECTION 4. This act shall take effect upon its  
2 passage.