

thereof, that have been dedicated by order of the court as aforesaid, if the survey mentioned in the first and second sections of the said act, describes the highway or highways, or part or parts thereof, intended to be taken for a plank road or plank roads, in general terms; and that it shall not be necessary for the same to set forth the names of the owners or occupants of lands, or to be signed by any of the owners of the land, or to set forth their opinions or consent; and that the said company may be formed before or after the application to the court mentioned in the first section of this act.

Rates of toll.

26. SEC. 4. That any plank road company taking a public highway or highways, or part or parts thereof, pursuant to this act, for the purposes of a plank road or roads, shall not, for so much of their road or roads as are upon such highway, charge toll at more than three-fourths the rates specified in the fourteenth section of the act to which this is a supplement; and so much of the said act as requires compensation to be made to the owner or owners of land shall not apply to any land within the limits of a public highway taken for the purposes of a plank road pursuant to this act.

Company to keep bridges in repair.

27. SEC. 5. That county or township bridges on any public highway dedicated by virtue of this act for the purpose of a plank road, shall be used by the company in connection with their road, and the company shall keep the same in good repair, and rebuild the same, when necessary, at the expense of the company, so long as the company take toll upon their road, but no toll shall be demanded for crossing said bridges.

No toll to be charged in certain cases.

28. SEC. 6. That any person using a public highway so dedicated, on which a plank road has been constructed, shall pay the legal toll, according to the rates of the company, whether the part of the highway that is planked be used or not, except when less than half a mile on either side of a toll-gate or bridge is used, or a person, or his or her family, or those in his or her employ, pass from one part of his or her farm to another, (a) without going farther, or in case of funerals, or going to or from religious meetings on Sunday.

Parts of former act not applicable to this.

29. SEC. 7. That the third section of the act to which this is a supplement, and such parts of the tenth section of said act as are inconsistent with the provisions of this supplement, and such other parts of said act as are inconsistent with the provisions of this supplement, shall not apply to any plank road constructed upon a public highway by virtue of this act.

[For act concerning sale of railroads, canals, turnpikes, bridges, and plank roads, see *post*, title RAILROADS.]

(a) A person owning and cultivating two or more farms and passing from one to another with teams engaged in his ordinary

agricultural pursuits, is within the meaning of the statute. *Turnpike Co. v. Fowler*, 4 Zab. 205.

Police Courts and Magistrates.

1. Police justice may appoint a justice of the peace to act in his absence or inability.
2. City council may prescribe maximum penalty for violation of ordinances.
3. Special police justices to receive same fees as justices of the peace in criminal matters.
4. Police officers allowed the same fees as constables.
5. Executions may issue against goods, chattels and persons of defendants.
6. Repealer.
7. Keepers of prisons, lock-ups and police stations to receive and detain prisoners for hearing.
8. In cities of the third class, common council authorized to appoint police justices.
9. Term of office.
10. Shall take oath and give bond.
11. Powers and jurisdiction.
12. Proceedings, how conducted.
13. Process to compel appearance in civil suits to recover penalties.
14. Suits, how brought.
15. When declaration shall be filed.
16. Execution against defendant.
17. Not to have jurisdiction over offense against by-law or ordinance until complaint is filed.
18. May adjourn hearing for ten days, &c.
19. When hearing shall be had.
20. What summonses or warrant shall contain.
21. Process to run throughout county, subpoenas throughout state.
22. Defendant may demand trial by jury.
23. When person summoned fails to appear, justice may issue warrant.
24. What deemed evidence of by-laws and ordinances.
25. What officers may execute process.
26. On judgment against defendant, warrant to commit to jail, or execution against goods and body may issue.
27. Sheriff and jailer to receive all persons committed.
28. How judgments in suits for the recovery of penalties, &c., may be reviewed.

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29. How other judgments may be reviewed.
30. Fees and charges, how taxed.
31. Amended by section 33.
32. Powers and jurisdiction.
33. Word "city," how construed.
34. Recorder may appoint a justice of the peace to act in his absence or inability.
35. In cities having 9,000 inhabitants or more, where no police magistrate is appointed under the city charter, police justices may be appointed.
36. Term of office.
37. Police justice to take oath and give bond.
38. Powers and jurisdiction.
39. Proceedings, how regulated and conducted.
40. Process to compel appearance in civil suits to recover penalties.
41. Suits, how brought.
42. When declaration shall be filed.
43. Execution against defendant.
44. Not to have jurisdiction until complaint under oath, is filed. Summons. Warrant.
45. Adjournment of hearing. Recognizance required.
46. When hearing shall be had.
47. What summons or warrant shall contain.
48. Process to run throughout county, subpoenas throughout state.
49. Defendant may demand trial by jury.
50. Proceedings in case jurors or witnesses summoned fail to appear.
51. What deemed evidence of by-laws and ordinances.
52. What officers may execute process.
53. On judgment against defendant, warrant to commit to jail or execution against goods and body may issue.
54. Sheriff and jailer to receive all persons committed.
55. How judgments in suits for recovery of penalties, &c., may be reviewed.
56. How other judgments, &c., may be reviewed.
57. Fees and charges, how taxed.
58. Restriction of act.
59. Recorders or police justices to have exclusive jurisdiction of all complaints under the vice and immorality act.
60. No justice of the peace to have jurisdiction.
61. Repealer.
62. What necessary to be stated in complaint in suits for violation of city ordinances.
63. No state of demand required.
64. Repealer.
65. Persons letting for hire or driving hack, cab, &c., without license may be summarily arrested.
66. Magistrate to determine guilt.
67. Service of process in police courts, by whom made.
68. Service may be made in any place in the county.
69. Repealer.
70. Police officers in charge of station-house may take bail in certain cases.
71. Municipal authorities to fix compensation of police magistrates or recorders.
72. Maximum amount of compensation.
73. Fees to be paid into city treasury.
74. Repealer.
75. Compensation of city judge having cognizance of offenses against penal ordinances, how fixed.
76. Repealer.
77. Justices of police courts in cities of the first class authorized to appoint clerks.
78. Board controlling finances may borrow money to pay salary of clerks, &c.
79. Repealer.
80. Common council may fix terms of police justices at three years.
81. Repealer.
82. In each city of the first class, mayor to appoint two police justices.
83. Powers and jurisdiction.
84. Warrants, how served and returned.
85. Police commissioners to designate place for holding courts.
86. What deemed evidence of ordinances, &c.
87. Justices shall subscribe and file oath.
88. Justice may appoint clerk.
89. Vacancy in office of justice shall be filled for unexpired term only.
90. Repealer.
91. Police courts in cities of the first class shall be courts of record. Powers of.
92. Police commissioners to provide rooms, &c.
93. Additional powers, authority and jurisdiction.
94. Jury trials not allowed except in certain cases.
95. Writs and process, how tested and signed.
96. Upon complaint, either summons or warrant may issue, at discretion of judge.
97. Conviction, what to set out.
98. Judge may designate deputy clerk.
99. May sit in any other police court, and justice of the peace may sit for him.
100. Arrests for violation of city ordinances.
101. Judge may commit disorderly person to workhouse or jail.
102. May remit fines and penalties.
103. May commit persons convicted of keeping houses of ill-fame, &c., to workhouse or jail.
104. Conviction may be set aside by justice of the supreme court or judge of common pleas.
105. Fee of justice or judge.
106. Unnecessary to commit examinations to writing unless demanded.
107. Salaries shall be paid monthly.
108. Repealer.
109. Salaries of judge and clerk shall be provided for by financial board of city.
110. Repealer.
111. Criminal courts in cities of the first class may try cases of assault, larceny, &c., where indictment and trial by jury are waived.
112. Proceedings for obtaining satisfaction of judgment.
113. Clerk shall keep record of causes tried.
114. Fees.
115. Penalties that may be imposed.
116. Persons waiving indictment may be held to bail, or committed to jail while awaiting trial.
117. Repealer.
118. Persons refusing or neglecting to pay fines and penalties for violation of ordinances may be committed to jail or workhouse.
119. Keeper of jail required to receive and keep such persons as prisoners.
120. Repealer.

An act relative to police justices in this state.

Approved March 14, 1879. P. L. 1879, p. 247.

1. That any police justice in this state may, in case of his temporary absence from the police court, or inability from any cause to act therein, designate and appoint a justice of the peace to act in his stead, and such justice of the peace while so acting shall have, hold, exercise, use or perform any power, privilege, duty, authority or jurisdiction which is or shall be conferred or given to said police justice.

POLICE COURTS AND MAGISTRATES.

An act concerning cities.

P. L. 1880, p. 113.

Approved March 4, 1880.

City council may prescribe maximum penalty for violation of ordinances.

2. SEC. 1. That where, by the provisions of any act of incorporation of any city or any act to revise and amend the charter of any city in this state, the city council of any such city shall have authority to pass ordinances on any subject and prescribe penalty or penalties for the violation thereof, either by imprisonment in the county jail not exceeding ten days, or by a fine not exceeding one hundred dollars; it shall and may be lawful for any such city council, in passing an ordinance, to prescribe the maximum penalty or penalties to be imposed, either by imprisonment in the county jail not exceeding ten days, or by a fine not exceeding one hundred dollars, or both; and that the magistrate before whom such offense or offenses may be cognizable shall have discretion in imposing such penalty or penalties, but not to exceed the maximum penalty or penalties prescribed in the ordinance. (a)

Magistrate's discretion.

An act relating to fees of police magistrates and police officers in cities.

P. L. 1880, p. 132.

Approved March 10, 1880.

Special police justices to receive same fees as justices of the peace in criminal matters.

3. SEC. 1. That whenever any special police justice or magistrate in any city of this state is now or may hereafter be authorized and empowered to use and exercise the like power, authority and jurisdiction in criminal matters and complaints arising in any such city as justices of the peace in and for the several counties are or may be entitled to use and exercise, the said special police justice and police magistrate shall hereafter receive and be allowed for the same services the same fees as are now or may hereafter be allowed to justices of the peace.

Police officers allowed the same fees as constables.

4. SEC. 2. That whenever any police officer of any city of this state now has and possesses, or may hereafter have and possess all the powers of constables within the limits of any such city, the said police officer shall hereafter receive and be allowed for the same services the same fees as are now or may hereafter be allowed to constables of the several counties; and the fees referred to in this and the preceding section shall be paid in the same manner and under the same regulations as now provided for the collection of justices' and constables' fees; *provided, however,* that in all cases where such police justices and policemen of any city of this state receive a fixed daily or annual compensation for their services from the city of which they are officers, the fees collected under this act shall be paid to the treasurer of such city.

Proviso.

An act relative to the prosecution of persons for the violation of the ordinances of any city in this state.

P. L. 1880, p. 199.

Approved March 11, 1880.

Executions may issue against goods, chattels and persons of defendants.

5. SEC. 1. That it shall and may be lawful hereafter, in any prosecutions made under any ordinance or ordinances in any city of this state, when judgment shall have been given in favor of the said city and against any defendant or defendants, so had and commenced, to issue execution against the goods and chattels and persons of the defendant or defendants, including females.

Repealer.

6. SEC. 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

(a) This act applies to cities only. *Bregguglia v. Vineland*, 24 Vr. 171.

An act in relation to the receiving and detention of prisoners in city, town and township prisons in this state.

Approved February 21, 1882. P. L. 1882, p. 19.

7. SEC. 1. That from and after the passage of this act, in all cities, towns and townships of this state, where there is a prison, lock-up, police station or place of detention for the reception and detaining of prisoners awaiting examination, trial or final commitment at the hands of the proper authority or authorities of said cities, towns and townships, it shall be the duty of the keeper or keepers, or other proper authority having charge of such prison, lock-up, police station or place of detention, to receive, on the proper and legal commitment of any justice of the peace of any county in which said prison is situated, any prisoner or prisoners, and detain the same for hearing on the order and commitment of said justice for examination, commitment to the county jail or for trial before said justice, for any period not exceeding forty-eight hours.

Keepers of prisons, lock-ups and police stations to receive and detain prisoners for hearing.

An act constituting police courts in certain cities in this state.

Approved March 23, 1883. P. L. 1883, p. 177.

8. SEC. 1. That it shall be lawful for the common council of any incorporated city of this state of the third class to appoint, in the same manner as other appointed officers of such cities are appointed, one or more police justices for such city, not exceeding in number one for each three thousand inhabitants of such city or fraction thereof; *provided, however*, that every incorporated city shall be entitled to at least one such police justice. [See Sec. 33, *post*.]

Common council authorized to appoint police justices in cities of third class. Proviso.

9. SEC. 2. That every such police justice shall hold office for such term, not exceeding five years, as the common council may, by ordinance passed before his appointment, prescribe; *provided*, that the tenure of office of all police justices in the same city shall be uniform, and shall not be changed during the term for which they shall be appointed; *provided further*, that every such police justice shall be removable at any time by the common council, on good cause shown.

Term of office. Proviso. Proviso.

10. SEC. 3. That every such police justice shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before an officer authorized by law to administer oaths, faithfully, fairly and impartially to execute the duties of his office to the best of his abilities and understanding, and shall enter into bond to the city by its corporate name, with such freehold security and in such penalty, not less than five hundred nor more than two thousand dollars, as the common council shall approve, conditioned for duly accounting to the proper authorities for all moneys that may come into his hands as such police justice, and for the payment of such moneys, on demand, to the person or persons entitled to receive the same.

Shall take oath and give bond.

11. SEC. 4. That the police justices appointed as aforesaid shall have the following and no other powers, authority and jurisdiction, to wit:

Powers and jurisdiction.

I. They shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the cities for which they are appointed, respectively, as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise;

In criminal matters.

II. Any two such police justices in the same city shall be authorized and empowered to hear, try and determine all such matters and complaints of a criminal nature, arising in the city for which they are appointed, as any two justices of the peace are or may be by law authorized and empowered to hear, try and determine, and shall be authorized to enforce their judgment and sentence in like manner as any two justices of the peace are or may be by law authorized so to do;

In matters cognizable before two justices of the peace.

III. Every such police justice shall be authorized and empowered to hold a court, within the city for which he shall be appointed, to hear, try and determine, according to law, all suits and actions which may be brought

In violations of ordinances

for the recovery of any penalty or penalties prescribed for the violation of any by-law or by-laws, ordinance or ordinances of such city, and also to hear, try and determine, according to law, all offenses charged before him, by complaint in writing on oath or affirmation, to have been committed in violation of any such by-law or by-laws, ordinance or ordinances, for which the punishment is by fine or imprisonment; every such court shall be a court of record and vested for the purposes aforesaid with all such power as is usual in courts of record of this state. (1)

Proceedings, how
conducted.

12. SEC. 5. That except when otherwise directed by this act, all proceedings before any police justice or police justices, under the provisions of the first and second paragraphs of section four of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by the several acts of the legislature of this state, in and by which the like proceedings before justices of the peace are or shall be regulated, as said acts and the supplements thereto shall from time to time be in force; and, except when otherwise directed by this act, all suits, actions and proceedings before any police justice, under the provisions of the third paragraph of section four of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act of the legislature of this state entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, as the same are and from time to time shall be in force.

Process to compel
appearance in
civil suits to
recover penalties.

13. SEC. 6. That in suits of a civil nature brought before any such police justice to recover any penalty or penalties, the first process to compel appearance shall be a summons, except when an affidavit is filed before such justice at the time the suit is instituted, made by a credible freeholder, resident in the city, or a policeman of said city, setting forth that the defendant in the suit is not a resident of the city, or that he is not a freeholder in the county in which the city is situate, and also setting forth facts sufficient to show that said defendant has committed some act or acts in violation of some one or more by-laws or ordinances of the city, which render him liable to a civil action for a penalty or penalties, in which case the process may be a warrant in the nature of a *causas ad respondendum*.

Suits, how
brought.

14. SEC. 7. That all such suits as are mentioned in the last preceding section shall be brought in the corporate name of the city, as plaintiff, unless otherwise provided by law.

When declaration
shall be filed.

15. SEC. 8. That in any such suit the plaintiff's declaration shall be filed before the justice on or before the return day of the summons, or on the return of the warrant, or at the time of appearance mentioned in the recognition, and in default thereof the plaintiff shall be non-suited, with costs; and in any such suit it shall be lawful to declare generally in debt for the penalty or penalties, and give the special matter in evidence; but the declaration shall contain a statement of the title and date of the adoption of each by-law or ordinance upon which the action is founded.

Execution against
defendant.

16. SEC. 9. That in case judgment in any such suit as aforesaid shall be rendered against any one or more defendants therein, said justice shall grant execution thereon against the goods and body of such defendant or defendants, according to law.

Not to have juris-
diction over
offense against by-
law or ordinance
until complaint is
filed.

17. SEC. 10. That the police justice shall not have jurisdiction over any offense against any by-law or ordinance for which the punishment is by fine or imprisonment, until a complaint in writing, under oath or affirmation, shall have been filed before him, setting forth facts sufficient to satisfy such police justice that such an offense has been committed by the defendant or defendants, and specifying the title and date of adoption of each by-law or ordinance alleged to have been violated; and upon the filing of said complaint, said police justice shall issue a summons, unless the affidavit of a credible freeholder, resident in the city, or a policeman of said city, shall also be filed before him, setting forth that the defendant is not a resident of the city, or that he is not a freeholder in the county in which the city is situate, in which case said justice shall issue a warrant against said

(1) This section is amended by Sec. 32, *post*. It is not omitted for the reason that the three paragraphs which it contains are referred to in subsequent parts of the act, while the amended section contains but two paragraphs.

- defendant; such summons shall be returnable not less than two nor more than ten days from the issuing thereof, and shall command the officer to whom the same is directed to summon the defendant to answer the complaint of (naming the person by whom complaint has been made as aforesaid), and in other respects shall conform, as nearly as may be, to writs of summons issued out of the courts for the trial of small causes, and shall be served and returned in the same manner; such warrant shall be returnable forthwith, and shall specify the person making the complaint as aforesaid, and in other respects shall conform, as nearly as may be, to warrants issued out of the courts for the trial of small causes.
- 18. SEC. 11.** That at the time of appearance mentioned in the summons or on the return of the warrant, the police justice may, in his discretion, if the circumstances of the case require it, adjourn the hearing upon such complaint for any time not exceeding ten days, and where the proceeding is by warrant, may cause the defendant to enter into recognizance, with surety, for his appearance at the time to which the said hearing shall be adjourned, which recognizance, and all other recognizances entered into before any such police justice, shall be valid and binding, and may be collected in the same manner as recognizances taken in any court for the trial of small causes; and if the defendant, being ordered so to do, shall fail to make such recognizance as aforesaid, it shall be lawful for said justice to order him committed to the jail of the county or to be kept in the custody of any of the executive officers hereinafter specified, until the hearing upon the complaint.
- 19. SEC. 12.** That on the return of the process in the tenth section mentioned, or at the time to which the justice shall have adjourned the matter, the said justice shall proceed to hear testimony, and to determine and give judgment and pronounce sentence in the matter without the filing of any pleadings.
- 20. SEC. 13.** That every summons and warrant issued as aforesaid, by virtue of the provisions of the third paragraph of section four of this act, shall, in addition to the other matters required by law, contain a statement of the title and date of adoption of each by-law or ordinance upon which the suit, action or proceeding in which the same is issued is founded, and shall also sufficiently show whether the same is issued in a suit for a penalty or in a proceeding to punish the defendant by fine or imprisonment.
- 21. SEC. 14.** That all writs, precepts and processes issued by any police justice under this act, shall run in and through the county in which the city for which he is appointed is situate, and he may, in any matter pending before him, award writs of subpoena into any county of this state.
- 22. SEC. 15.** That in every suit, action or proceeding under the provisions of the third paragraph of section four of this act, the defendant may, at any time before said police justice has proceeded to inquire into the merits of the case, demand a trial by jury, which the said police justice is hereby required to grant; and thereupon a venire for a jury of twelve men shall be issued and executed in accordance with the provisions of section thirty-three of "An act constituting courts for the trial of small causes."
- 23. SEC. 16.** That if any person, being duly summoned to appear as a juror or witness before any such police justice shall fail so to appear, it shall be lawful for the justice to issue a warrant, under his hand and seal, for the apprehension of the person so failing, which warrant shall be returnable before such justice forthwith; and upon such person being apprehended, the said justice may, if necessary for the proper trial of the suit, action or proceeding in which such person was summoned, order him to be released on giving bail with sureties, or in default thereof, to be held in custody for his future appearance at such short day as the case may require.
- 24. SEC. 17.** That in any suit, action or proceeding before any such police justice, under the provisions of the third paragraph of section four of this act, and in any proceedings taken to review the same, the books of record of the by-laws and ordinances of the city shall be taken and received

Summons, when returnable.

Warrant, when returnable.

May adjourn hearing for ten days, &c.

When recognizance required.

When hearing shall be had.

What summons or warrant shall contain.

Process to run throughout county, subpoenas throughout state.

Defendant may demand trial by jury.

When person summoned fails to appear, justice may issue warrant.

What deemed evidence of by-laws and ordinances.

as evidence of the due passage of all by-laws and ordinances recorded therein, and any book or pamphlet of by-laws or ordinances printed by authority of the common council, shall in like manner be taken and received as evidence of the due passage thereof; and the publication of said by-laws and ordinances in the manner prescribed by law shall in all cases be presumed to have been done until the contrary be proved.

What officers may execute process.

25. SEC. 18. That any constable of the county in which such city is situate, and any marshal, assistant marshal or police officer of such city, shall and may lawfully act in the execution of any and all summonses, warrants, subpoenas, venires, writs and process whatsoever issued by any such police justice, and are hereby authorized, empowered and required to do and perform all such acts, matters and things under the direction and warrant of any such police justice as any constable may now or hereafter be authorized, empowered and required by law to do and perform under the direction and warrant of the justices of the peace in and for the several counties of this state.

On judgment against defendant, warrant to commit to jail or execution against goods and body may issue.

26. SEC. 19. That it shall be lawful for any such police justice by whom judgment or sentence of imprisonment shall be given, to issue his warrant, under his hand and seal, to any of the executive officers aforesaid, commanding him to take and convey the defendant to the common jail of the county, there to remain until the term of imprisonment shall have expired, and from thence until the costs of prosecution be paid; and in case the defendant shall be adjudged to pay a fine, then it shall be lawful for the justice either to order the defendant to be committed to the county jail until the fine and costs are paid or to issue an execution to any officer as aforesaid, commanding him to levy and make such fine and the costs of prosecution of the goods and chattels of the defendant, and, for want of goods and chattels, to take and convey such defendant to the county jail as aforesaid, thence to remain until such fine and costs, or the balance thereof remaining due, shall be paid.

Sheriff and jailer to receive all persons committed.

27. SEC. 20. That it shall be the duty of the sheriff and jailer of the county to receive all persons who shall be apprehended or committed to jail as aforesaid, and to keep the same as prisoners, in the same way and under the same regulations and penalties as other prisoners are by law required to be kept.

How judgments in suits for the recovery of penalties, &c., may be reviewed.

28. SEC. 21. That the judgments, orders and proceedings had before any such police justice, in any civil suit brought to recover a penalty or penalties, shall be subject to review by certiorari, appeal or otherwise, in all respects the same and under the same regulations, restrictions and limitations as the like judgments, orders and proceedings in the courts for the trial of small causes are or may be, by law, reviewable; and all judgments, orders and proceedings had before any such police justice upon any complaint for the violation of any by-law or ordinance punishable by fine or imprisonment, shall be reviewable at the instance of any defendant therein, by appeal to the next court of general quarter sessions of the peace of the same county, which appeal shall be taken by notice in writing, filed before said justice, within ten days after the judgment, order or proceeding appealed from, and shall operate as a stay of execution or of sentence of imprisonment; *provided*, the defendant shall, where sentenced to imprisonment, enter into recognizance before said justice, with sufficient security, conditioned that he shall appear before said court of quarter sessions and answer to said complaint, and abide the judgment of the court and not depart without leave, and where sentenced to pay a fine, the execution thereon shall stand as security for the payment of the fine and costs in case the judgment shall be affirmed; *provided further*, that such execution shall be set aside upon the defendant entering into bond, with sufficient security, conditioned for the payment of the fine and costs, if the judgment shall be affirmed; and every such appeal to the quarter sessions shall be heard, tried and determined under such rules and orders as the said court may prescribe for the proper determination of the same.

Proviso.

Proviso.

29. SEC. 22. That all judgments, orders and proceedings had before any such police justice or justices, by virtue of the first and second paragraphs of section four of this act, shall be reviewable in the same cases only and under the same regulations, restrictions and limitations as the same or similar judgments, orders and proceedings before any justice or justices of the peace are or may be, by law, reviewable.

How other judgments may be reviewed.

30. SEC. 23. That the same fees and charges shall be taxed and collected for any and all services performed under this act as are or may be provided by law for like services in other matters, and shall be recovered in the same manner; *provided*, that in all cases where the officers performing any such service or services shall receive a regular salary from such city, he shall not be entitled to or receive any compensation for services performed under this act, and the fees charged and collected for such services shall be paid into the treasury of such city.

Fees and charges, how taxed.

Proviso.

31. SEC. 24. [Amended by Sec. 33, *post*.]

Supplement.

Approved April 17, 1885.

P. L. 1885, p. 245.

32. SEC. 1. That section four [see Sec. 11, *ante*] of said act be amended to read as follows:

[That the police justices appointed as aforesaid shall have the following and no other powers, authority and jurisdiction, to wit:

Powers and jurisdiction.

I. That they shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and in all matters relating to cases of bastardy, and to the relief, removal and settlement of the poor, and in all cases of vagrancy and disorderly persons, as any one or two justices of the peace are or may be by law entitled to use or exercise, and to hear, examine, try and determine the same and to give judgment and carry the same into execution, according to law, as such justice or justices might or would do; but they shall not, by virtue of such office, be authorized to try any civil action except such as may be brought to recover a penalty under the provisions of this act or any of the ordinances of the city, in which case they may act as justices of the peace in their civil capacity;

In criminal matters, &c.

II. Every such police justice shall be authorized and empowered to hold a court, within the city for which he shall be appointed, to hear, try and determine, according to law, all suits and actions which may be brought for the recovery of any penalty or penalties prescribed for the violation of any by-law or by-laws, ordinance or ordinances of such city, and also to hear, try and determine, according to law, all offenses charged before him, by complaint in writing on oath or affirmation, to have been committed in violation of any such by-law or by-laws, ordinance or ordinances, for which the punishment is by fine or imprisonment; every such court shall be a court of record and vested for the purposes aforesaid with all such power as is used in courts of record of this state.]

In violations of ordinances, &c.

Supplement.

Passed February 13, 1886.

P. L. 1886, p. 45.

33. SEC. 1. That section twenty-four of the act to which this is a supplement be amended so as to read as follows:

[That the word "city," wherever it occurs in this act, shall be taken to include every incorporated borough, town and city of the third and fourth classes in this state.]

Word "city," how construed.

An act relative to recorders in this state.

Approved March 26, 1886.

P. L. 1886, p. 125.

34. SEC. 1. That the recorder of any city of this state may, in case of his necessary temporary absence from his court, or inability from any cause to act therein, designate and appoint a justice of the peace to act in his stead during the period of such absence or inability, and such justice of the peace while so acting shall have, hold, exercise, use and perform any power,

Recorder may appoint a justice of the peace to act in his absence or inability.

POLICE COURTS AND MAGISTRATES.

privilege, duty, authority or jurisdiction which is or shall be conferred upon or granted to said recorder; *provided*, that no such appointment shall be authorized to continue for a longer period than two days without the consent of the mayor of such city.

An act constituting police courts in cities of this state.

P. L. 1886, p. 499.

Passed April 6, 1886.

Common council authorized to appoint police justices.

35. SEC. 1. That it shall be lawful for the common council of any incorporated city of this state, where there is no recorder or police justice or police magistrate appointed under the city charter, to appoint, in the same manner as other appointed officers of such cities are appointed, one or more police justices for such city, not exceeding in number one for each twenty thousand inhabitants of such city. [See last proviso in Sec. 57, *post.*]

Term of office.

36. SEC. 2. That every such police justice shall hold office for such term, not exceeding five years, as the common council may, by ordinance passed before his appointment, prescribe; *provided*, that the tenure of office of all police justices in the same city shall be uniform, and shall not be changed during the term for which they shall be appointed; *provided further*, that every such police justice shall be removable at any time by the common council, on good cause shown.

Proviso.

Proviso.

Police justice to take oath and give bond.

37. SEC. 3. That every such police justice shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before an officer authorized by law to administer oaths, faithfully and impartially to execute the duties of his office to the best of his abilities and understanding, and shall enter into bond to the city by its corporate name, with such freehold security and in such penalty, not less than five hundred nor more than two thousand dollars, as the common council shall approve, conditioned for duly accounting to the proper authorities for all moneys that may come into his hands as such police justice, and for the payment of such moneys, on demand, to the person or persons entitled to receive the same.

Powers and jurisdiction.

In criminal matters, &c.

38. SEC. 4. That the police justices appointed as aforesaid shall have the following and no other powers, authority and jurisdiction, to wit:

I. That they shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and in all matters relating to cases of bastardy, and the relief, removal and settlement of the poor, and in all cases of vagrancy and disorderly persons, as any one or two justices of the peace are or may be by law entitled to use or exercise, and to hear, examine, try and determine the same, and to give judgment and carry the same into execution, according to law, as such justice or justices might or would do; but they shall not, by virtue of such office, be authorized to try any civil action except such as may be brought to recover a penalty under the provisions of this act or any of the ordinances of the city, in which case they may act as justices of the peace in their civil capacity;

In violations of ordinances, &c.

II. Every such police justice shall be authorized and empowered to hold a court, within the city for which he shall be appointed, to hear, try and determine, according to law, all suits and actions which may be brought for the recovery of any penalty or penalties prescribed for the violation of any by-law or by-laws, ordinance or ordinances of such city, and also to hear, try and determine, according to law, all offenses charged before him, by complaint in writing on oath or affirmation, to have been committed in violation of any such by-law or by-laws, ordinance or ordinances, for which the punishment is by fine or imprisonment; every such court shall be a court of record and vested for the purposes aforesaid with all such power as is used in courts of record of this state.] (1)

Proceedings before police justices, how regulated and conducted.

39. SEC. 5. That except when otherwise directed by this act, all proceedings before any police justice or police justices, under the provisions of the first and second paragraphs of section four of this act, shall, as nearly

(1) Subsequent parts of this act refer to *three* paragraphs in this section. Compare Secs. 11 and 32, *ante*.

as may be, be regulated by the provisions of and conducted in the manner prescribed in and by the several acts of the legislature of this state, in and by which the like proceedings before justices of the peace are or shall be regulated, as said acts and the supplements thereto shall from time to time be in force; and, except when otherwise directed by this act, all suits, actions and proceedings before any police justice, under the provisions of the third paragraph of section four of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act of the legislature of this state entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, as the same are and from time to time shall be in force.

40. SEC. 6. That in suits of a civil nature brought before any such police justice to recover any penalty or penalties, the first process to compel appearance shall be a summons, except when an affidavit is filed before such justice at the time the suit is instituted, made by a credible person, resident in the city, or a policeman of said city, setting forth that the defendant in the suit is not a resident of the city, or that he is not a freeholder in the county in which the city is situate, and also setting forth facts sufficient to show that said defendant has committed some act or acts in violation of some one or more by-laws or ordinances of the city, which render him liable to a civil action for a penalty or penalties, in which case the process may be a warrant in the nature of a *capias ad respondendum*.

Process to compel appearance in civil suits to recover penalties.

41. SEC. 7. That all such suits as are mentioned in the last preceding section shall be brought in the corporate name of the city, as plaintiff, unless otherwise provided by law.

Suits, how brought.

42. SEC. 8. That in any such suit the plaintiff's declaration shall be filed before the justice on or before the return day of the summons, or on the return of the warrant, or at the time of the appearance mentioned in the recognizance, and in default thereof the plaintiff shall be non-suited, with costs; and in any such suit it shall be lawful to declare generally in debt for the penalty or penalties, and give the special matter in evidence; but the declaration shall contain a statement of the title and date of the adoption of each by-law or ordinance upon which the action is founded.

When declaration shall be filed.

What to contain.

43. SEC. 9. That in case judgment in any such suit as aforesaid shall be rendered against any one or more defendants therein, said justice shall grant execution thereon against the goods and body of such defendant or defendants, according to law.

Execution against defendant.

44. SEC. 10. That the police justice shall not have jurisdiction over any offense against any by-law or ordinance for which the punishment is by fine or imprisonment, until a complaint in writing, under oath or affirmation, shall have been filed before him, setting forth facts sufficient to satisfy such police justice that such an offense has been committed by the defendant or defendants, and specifying the title and date of adoption of each by-law or ordinance alleged to have been violated; and upon the filing of said complaint, said police justice shall issue a summons, unless the affidavit of a credible person, resident in the city, or a policeman of said city, shall also be filed before him, setting forth that the defendant is not a resident of the city, or that he is not a freeholder in the county in which the city is situate, in which case said justice shall issue a warrant against said defendant; such summons shall be returnable not less than two nor more than ten days from the issuing thereof, and shall command the officer to whom the same is directed to summon the defendant to answer the complaint of (naming the person by whom complaint has been made as aforesaid), and in other respects shall conform, as nearly as may be, to writs of summons issued out of the courts for the trial of small causes, and shall be served and returned in the same manner; such warrant shall be returnable forthwith, and shall specify the person making the complaint as aforesaid, and in other respects shall conform, as nearly as may be, to warrants issued out of the courts for the trial of small causes.

Police justice not to have jurisdiction until complaint under oath is filed.

Summons, when returnable.

Warrant, when returnable.

45. SEC. 11. That at the time of appearance mentioned in the summons or on the return of the warrant, the police justice may, in his discretion, if the circumstances of the case require it, adjourn the hearing upon

Adjournment of hearing.

When recognizance may be required.

such complaint for any time not exceeding ten days, and where the proceeding is by warrant, may cause the defendant to enter into recognizance, with surety, for his appearance at the time to which the said hearing shall be adjourned, which recognizance, and all other recognizances entered into before any such police justice, shall be valid and binding, and may be collected in the same manner as recognizances taken in any court for the trial of small causes; and if the defendant, being ordered so to do, shall fail to make such recognizance as aforesaid, it shall be lawful for said justice to order him committed to the jail of the county or to be kept in the custody of any of the executive officers hereinafter specified, until the hearing upon the complaint.

When hearing shall be had.

46. SEC. 12. That on the return of the process in the tenth section mentioned, or at the time to which the justice shall have adjourned the matter, the said justice shall proceed to hear testimony, and to determine and give judgment and pronounce sentence in the matter without the filing of any pleadings.

What summons or warrant shall contain.

47. SEC. 13. That every summons and warrant [issued] as aforesaid, by virtue of the provisions of the third paragraph of section four of this act, shall, in addition to the other matters required by law, contain a statement of the title and date of adoption of each by-law or ordinance upon which the suit, action or proceeding in which the same is issued is founded, and shall also sufficiently show whether the same is issued in a suit for a penalty or in a proceeding to punish the defendant by fine or imprisonment.

Process to run throughout county, subpoenas throughout state.

48. SEC. 14. That all writs, precepts and processes issued by any police justice under this act, shall run in and through the county in which the city for which he is appointed is situate, and he may, in any matter pending before him, award writs of subpoena into any county of this state.

Defendant may demand trial by jury.

49. SEC. 15. That in every suit, action or proceeding under the provisions of the third paragraph of section four of this act, the defendant may, at any time before said police justice has proceeded to inquire into the merits of the case, demand a trial by jury, which the said police justice is hereby required to grant; and thereupon a venire for a jury of twelve men shall be issued and executed in accordance with the provisions of section thirty-three of "An act constituting courts for the trial of small causes."

Proceedings in case jurors or witnesses summoned fail to appear.

50. SEC. 16. That if any person, being summoned to appear as a juror or witness before any such police justice shall fail so to appear, it shall be lawful for the justice to issue a warrant, under his hand and seal, for the apprehension of the person so failing, which warrant shall be returnable before such justice forthwith; and upon such person being apprehended, the said justice may, if necessary for the proper trial of the suit, action or proceeding in which such person was summoned, order him to be released on giving bail with sureties, or in default thereof, to be held in custody for his future appearance at such short day as the case may require.

What deemed evidence of by-laws and ordinances.

51. SEC. 17. That in any suit, action or proceeding before any such police justice, under the provisions of the third paragraph of section four of this act, and in any proceedings taken to review the same, the books of record of the by-laws and ordinances shall be taken and received as evidence of the due passage of all by-laws and ordinances recorded therein, and any book or pamphlet of by-laws or ordinances printed by authority of the common council, shall in like manner be taken and received as evidence of the due passage thereof; and the publication of said by-laws and ordinances in the manner prescribed by law shall in all cases be presumed to have been done until the contrary be proved.

What officers may execute process.

52. SEC. 18. That any constable of the county in which such city is situate, and any marshal, assistant marshal or police officer of such city, shall and may lawfully act in the execution of any and all summonses, warrants, subpoenas, venires, writs and processes whatever issued by any such police justice, and are hereby authorized, empowered and required to do and perform all such acts, matters and things under the direction and warrant of any such police justice as any constable may now or hereafter be authorized, empowered and required by law to do and perform under the direction and warrant of the justices of the peace in and for the several counties of this state.

53. SEC. 19. That it shall be lawful for any such police justice by whom judgment or sentence of imprisonment shall be given, to issue his warrant, under his hand and seal, to any of the executive officers aforesaid, commanding him to take and convey the defendant to the common jail of the county, there to remain until the term of imprisonment shall have expired, and from thence until the costs of the prosecution be paid; and in case the defendant shall be adjudged to pay a fine, then it shall be lawful for the justice either to order the defendant to be committed to the county jail until the fine and costs are paid, or to issue an execution to any officer as aforesaid, commanding him to levy and make such fine and costs of prosecution of the goods and chattels of the defendant, and, for want of goods and chattels, to take and convey such defendant to the county jail as aforesaid, thence to remain until such fine and costs, or the balance thereof remaining due, shall be paid.

On judgment against defendant, warrant to commit to jail, or execution against goods and body may issue.

54. SEC. 20. That it shall be the duty of the sheriff and jailer of the county to receive all persons who shall be apprehended or committed to jail as aforesaid, and to keep the same as prisoners, in the same way and under the same regulations and penalties as other prisoners are by law required to be kept.

Sheriff and jailer to receive all persons committed.

55. SEC. 21. That the judgments, orders and proceedings had before any such police justice, in any civil suit brought to recover a penalty or penalties, shall be subject to review by certiorari, appeal or otherwise, in all respects the same and under the same regulations, restrictions and limitations as the like judgments, orders and proceedings in the courts for the trial of small causes are or may be, by law, reviewable; and all judgments, orders and proceedings had before any such police justice upon any complaint for the violation of any by-law or ordinance punishable by fine or imprisonment, shall be reviewable at the instance of any defendant therein, by appeal to the next court of general quarter sessions of the peace of the same county, which appeal shall be taken by notice in writing, filed before said justice, within ten days after the judgment, order or proceeding appealed from, and shall operate as a stay of execution or of sentence of imprisonment; *provided*, the defendant shall, where sentenced to imprisonment, enter into recognizance before said justice, with sufficient security, conditioned that he shall appear before said court of quarter sessions and answer to the said complaint, and abide the judgment of the court and not depart without leave, and where sentenced to pay a fine, the execution thereon shall stand as security for the payment of the fine and costs in case the judgment shall be affirmed; *provided further*, that such execution shall be set aside upon the defendant entering into bond, with sufficient security, conditioned for the payment of the fine and costs, if the judgment shall be affirmed; and every such appeal to the quarter sessions shall be heard, tried and determined under such rules and orders as the said court may prescribe for the proper determination of the same.

How judgments in suits for recovery of penalties, &c., may be reviewed.

Proviso.

Proviso.

56. SEC. 22. That all judgments, orders and proceedings had before any such police justice or justices, by virtue of the first and second paragraphs of section four of this act, shall be reviewable in the same cases only and under the same regulations, restrictions and limitations as the same or similar judgments, orders and proceedings before any justice or justices of the peace are or may be, by law, reviewable.

How other judgments, &c., may be reviewed.

57. SEC. 23. That the same fees and charges shall be taxed and collected for any and all services performed under this act as are or may be provided by law for like services in other matters, and shall be recovered in the same manner; *provided*, that in all cases where the officers performing any such service or services shall receive a regular salary from such city, he shall not be entitled to or receive any compensation for services performed under this act, and the fees charged and collected for such services shall be paid into the treasury of such city; *and provided further*, that this act shall not apply to cities having a population of less than nine thousand inhabitants.

Fees and charges, how taxed.

Proviso.

Proviso.

POLICE COURTS AND MAGISTRATES.

Restriction of act. **58. SEC. 24.** That this act shall be deemed a public act and shall take effect immediately, but nothing in this act shall be construed to repeal the act entitled "An act constituting police courts in certain cities of this state," approved March twenty-third, one thousand eight hundred and eighty-three, nor any supplement thereto.

An act giving the recorder or police justice in all cities in this state exclusive jurisdiction of all complaints under the vice and immorality act.

P. L. 1886, p. 230.

Passed April 16, 1886.

Recorders or police justices to have exclusive jurisdiction of all complaints under the vice and immorality act.

59. SEC. 1. That in all cities of this state having a recorder or police justice therein, all complaints for any violation of the provisions of the act entitled "An act for suppressing vice and immorality" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four, shall be made before such recorder or such police justice of such cities, and said recorder or police justice shall have exclusive jurisdiction in said cities, and said complaints shall be entertained by said recorder or police justice, and disposed of according to the rules of practice applicable to the respective statutes and ordinances concerning the same in force in said cities, and the costs of said prosecution, except where the defendants are able to pay the same, shall be borne by the city; *provided, however,* that this act shall not apply to any recorder in any city in which the recorder is a member of the governing body of such city, or who may become the presiding officer of such governing body during the absence of the mayor.

Proviso.

No justice of the peace to have jurisdiction.

60. SEC. 2. That in any such city as aforesaid, no justice of the peace shall have jurisdiction to entertain any such complaint, or to hear, try and determine any such complaint, any law, custom or usage to the contrary notwithstanding.

Repealer.

61. SEC. 3. That this act shall be deemed a public act and take effect immediately, and all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

An act concerning suits for violation of ordinances in cities, boroughs and incorporated towns.

P. L. 1886, p. 391.

Passed June 1, 1886.

What necessary to state in complaint in suits for violation of ordinances.

62. SEC. 1. That when any suit shall be brought in any city, borough or incorporated town for the violation of any ordinance or ordinances, it shall only be necessary to state in the complaint the number of the section violated, briefly setting forth enough of the language of the section to apprise the defendant of the charge.

No state of demand required.

63. SEC. 2. That no state of demand shall be required to be filed other than the complaint.

Repealer.

64. SEC. 3. That all acts and parts of acts, whether special or public, inconsistent herewith, be repealed.

An act providing for summary arrests for the violation of ordinances.

P. L. 1887, p. 23.

Approved March 16, 1887.

Persons letting for hire or driving hack, cab, &c., without license may be summarily arrested.

65. SEC. 1. That in any city in this state it shall be lawful for the license inspector, by whatever name designated, or any police officer thereof, to summarily arrest any person keeping or letting for hire, or any driver in the employ of any such person, of any hack, cab, omnibus, stage, cart, wagon, truck, dray, or any other carriage or vehicle, for the transportation of passengers or merchandise, goods and articles of any description in said city, without a license, when it is required by any ordinance of such city to have a license therefor.

Magistrate to determine guilt.

66. SEC. 2. That it shall be lawful to carry such person so arrested before any magistrate of said city before whom violations of ordinances are triable, whereupon such magistrate shall determine whether the person so arrested has been guilty of the violation complained of.

An act in relation to the serving of all process issuing out of courts having the power to try violations of ordinances in any city of this state.

Approved March 31, 1887. P. L. 1887, p. 78.

67. SEC. 1. That in any and all police and recorders' courts in any city of this state, the chief of police and the officers of the police force in any such city, shall be and they are hereby authorized to serve all process issuing out of said courts, whether said chief of police or police officers have been or shall be appointed by the common council or other governing body of such city, or by a board of police commissioners.

Service of process in police courts, by whom made.

68. SEC. 2. That for any and all violations of ordinances in any city, the chief of police and members of the police force therein shall be authorized to serve process on any defendant, whether such defendant resides in such city or in any other place in the county in which such city is located.

Service may be made in any place in the county.

69. SEC. 3. That all acts or parts of acts, whether special or general, inconsistent with either of the provisions of this act be and the same are hereby repealed.

Repealer.

An act to empower certain police officers to take bail in certain cases.

Approved March 22, 1888. P. L. 1888, p. 192.

70. SEC. 1. That hereafter whenever any person is arrested for the commission of any offense, except intoxication, for which any police justice, recorder or justice of the peace now has jurisdiction to impose a fine or imprisonment, it shall be lawful for, and shall be the duty of, the sergeant of police or other police officer in charge of any station-house to which any such person may be brought under arrest, for the commission of such offense, to take bail of not less than one hundred dollars for the appearance of such prisoner before the police justice, recorder or justice of the peace before whom the said prisoner is to be arraigned.

Police officer in charge of station-house may take bail in certain cases.

Amount of.

An act relating to the compensation of police magistrates or recorders in cities of this state.

Approved April 23, 1888. P. L. 1888, p. 453.

71. SEC. 1. That the common council or board of aldermen or other governing body of any city of this state having a police justice, city judge or recorder therein, not now receiving a fixed salary, in lieu and stead of all fees and perquisites shall, by a majority vote, from time to time fix the pay and compensation of such police justice or recorder at a stated sum of money, which shall be in lieu and stead of all fees and perquisites and be payable in the same manner as the salaries of other officials of said city.

Municipal authorities to fix compensation of police magistrates or recorders.

In lieu of fees.

72. SEC. 2. That the pay and compensation herein provided for shall not exceed fifteen hundred dollars per annum.

Maximum amount of compensation.

73. SEC. 3. That all fees and perquisites now received under and by virtue of any law of this state or ordinance of any city therein by any such police justice, city judge or recorder, shall be duly accounted for and paid monthly into the treasury of said city.

Fees to be paid into city treasury.

74. SEC. 4. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act relating to the compensation of city judges in cities or municipalities of this state.

Approved March 25, 1889. P. L. 1889, p. 94.

75. SEC. 1. That the common council, board of aldermen or other governing body of any city or municipality of this state having a city judge, before whom offenses against the penal ordinances of said city or municipality are cognizable, shall have power by majority vote to fix [the] compensation of such city judge.

Compensation of city judge having cognizance of offenses against penal ordinances, how fixed.

76. SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

POLICE COURTS AND MAGISTRATES.

An act providing for the appointment of clerks to police justices in cities of the first class, and defining their duties.

P. L. 1891, p. 327.

Approved April 6, 1891.

Justices of police courts in cities of the first class authorized to appoint clerks.

Duties of clerks.

To keep a record of fines and penalties.

Salary of \$1,500.

To give bond.

To hold office during good behavior.

Board controlling finances may borrow money to pay salary, &c.

Repealer.

77. SEC. 1. That the justices holding the police courts existing in any city of the first class in this state shall have power and are hereby authorized to appoint in and for each of the police courts of said city a clerk, whose duty it shall be to attend the sessions of the court to which he may be appointed or assigned and to the examinations, trials and proceedings had therein before whatever justice or judge may hold or sit in the same; such clerk shall, under the direction of the court, keep a brief record of all matters which shall come before the same; he shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in the court to which he shall act and shall account for and pay the same over to the proper officers or authorities within forty-eight hours after his receipt thereof; he shall keep a record of all such fines and penalties, and of the disposition thereof in books to be provided for that purpose by the board hereinafter named, and shall perform such other duties and services as the court or the justice or judge aforesaid may require; he shall receive a salary of fifteen hundred dollars per annum, to be paid as shall be fixed by the board of police commissioners of such city; he shall be required to enter into a bond to the said city in its corporate name in the sum of three thousand dollars, with at least two sufficient sureties, to be approved of by the board or body of such city having control of the finances thereof, conditioned for the faithful performance of his duties, which bond shall be renewed annually; every such clerk appointed as aforesaid shall hold office during good behavior and shall be removed for cause only after opportunity to be heard respecting the cause assigned for removal.

78. SEC. 2. That if when this act shall go into effect in any such city there be not sufficient money on hand out of which to pay any expense rendered necessary hereby, the board or body thereof having control of the finances shall borrow sufficient money therefor, by means of a temporary loan or otherwise, in anticipation of the tax levy next to be made in such city, and shall therein make provision for the payment thereof.

79. SEC. 3. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

An act relating to police justices.

P. L. 1891, p. 469.

Approved April 16, 1891.

Common council may fix terms of police justices at three years.

Repealer.

80. SEC. 1. That in any city of this state where the common council have by law the authority to appoint police justices, the said common council may fix the term of their said offices at any period not exceeding three years, and also prescribe their duties and the time and place for holding police courts in said cities.

81. SEC. 2. That all acts and parts of acts, general, special and local, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

An act to provide for the appointment of police justices in cities of the first class.

P. L. 1894, p. 451.

Passed May 18, 1894.

In each city of the first class, mayor to appoint two police justices.

Powers and jurisdiction.

82. SEC. 1. That in each city of the first class there shall be two police justices, who shall receive an annual salary of two thousand five hundred dollars; they shall be appointed by the mayor of such city, and shall hold office for the term of three years and until their successors are appointed and qualified.

83. SEC. 2. That each of the police justices shall have all the powers in criminal matters that justices of the peace in and for the several counties of the state now have, and, for the purpose of recovering the penalty for violating any ordinance or regulation of said city, he is hereby empowered,

on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of any board of the said city, to issue process, at the suit of said city, either in the nature of a summons or warrant, as to him shall seem most advisable, against the person or persons so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five nor more than ten entire days; such process shall state what ordinance or regulation, by the defendant or defendants named therein, has been violated, and in what manner the same has been violated; and on the return of such process, or at the time to which the said justice shall have adjourned the same, the said justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and the said justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; each of the said police justices is further empowered to inflict fines, not exceeding the sum of twenty dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offense, if found guilty, or, in his discretion, to order such persons committed to the county jail or workhouse for any period not exceeding ninety days; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the courts for trial of small causes, and also an appeal as in all cases where an appeal may now be had from judgment in courts for the trial of small causes; in case the person arrested for any offense shall be a minor, each of said justices shall have the power, in his discretion, to inflict, or commute, or wholly remit the penalty prescribed for the offense committed by said minor; and each of said justices is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances or regulations of any board of said city, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offense, within the jurisdiction of the said justice, to be sent to the workhouse for such time as in his discretion may seem meet, and there to perform work in said workhouse, and to conform to the rules and laws of the same; *provided, however*, that such person shall not be sent to said workhouse to be confined there for a longer time than ninety days for any offense.

Proviso.

Proviso.

84. SEC. 3. That the officers empowered to serve any warrant issued by any of the police justices shall be, besides the constables elected or appointed within the said city, the policemen of said city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court for trial of small causes are returned; and that the defendant or defendants named therein shall, if the police justice see fit to adjourn the hearing of the charge made and so order, enter into recognizances as near as may be in the manner directed in the courts for the trial of small causes, in the amount of the penalty, named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the police justice, unto such city for appearance on the day to which said hearing may be adjourned; and in default of appearance the said recognizance may be collected in the same manner as the same might have been had the said recognizance been taken in a proceeding in courts for the trial of small causes.

Warrants, how served and returned.

Justice may adjourn hearing.

85. SEC. 4. That the board of police commissioners shall designate the place in said city where each of said police justices shall sit for the transaction of business and the time when their court shall be opened upon each day, to the end that the administration of justice by said justices through the city may be facilitated and made convenient; and it shall be the duty of said police justices to be in attendance at the time and place so designated.

Police commissioners shall designate place for holding courts.

What deemed evidence of ordinances, &c.

86. SEC. 5. That in any proceeding before any police justice of any such city for the purpose of recovering a penalty for the violation of any ordinance or regulation of such city, such ordinance may be proved by the copy thereof certified by the city clerk under the seal of such city, or by the introduction in evidence of any printed compilation of the ordinances of such city, duly authorized and recognized as such compilation, and due publication of all ordinances and regulations by any board of such city shall be presumed to have been made until the contrary is proven.

Justices shall subscribe and file oath.

87. SEC. 6. That every police justice so appointed shall, within ten days after his appointment, take and subscribe the usual oath or affirmation taken by officers of such city, and file the same with the clerk thereof; such oath may be taken before such clerk, who is hereby authorized and empowered to administer the same.

Justice may appoint clerk.

88. SEC. 7. That each of said police justices shall have power to appoint a clerk, whose duty it shall be to attend the sessions of the court held by such police justice, and keep a docket in which shall be entered a brief record of all matters which shall come before such justice; all fines and penalties imposed by such justice shall be paid to such clerk, who shall account for and pay the same over to the proper officer of such city within the time limited in the charter of such city for such payment, or if no such time is limited, then within twenty-four hours after the receipt thereof; each of said clerks shall receive a salary of one thousand two hundred dollars per annum, to be paid monthly by the board of police commissioners of such city, and before entering upon the duties of his office such clerk shall give bond to the city in the penal sum of five thousand dollars, with at least two sufficient sureties to be approved by the mayor; every clerk so appointed shall hold office during the pleasure of the police justice appointing him.

Clerk's salary.

Clerk shall give bond.

Vacancy in office of justice shall be filled for unexpired term.

89. SEC. 8. That any vacancy occurring in the office of police justice shall be filled for the unexpired term by the mayor of the city wherein such vacancy occurs.

Repealer.

90. SEC. 9. That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement.

Approved March 7, 1895.

P. L. 1895, p. 194.

Police courts in cities of the first class shall be courts of record with all the powers thereof.

91. SEC. 1. That the courts established by the act to which this act is a supplement shall be courts of record and have official seals, and that all persons shall be amenable to punishment for contempt of said courts in the same manner as in other courts of record of this state having power to punish for contempt of court; and the said courts shall hereafter be designated as the first and second criminal courts respectively of the city in which they are established, and the police justices of each of said courts shall hereafter be, and be designated, the judges of said criminal courts of said city; and the judges of said courts in each city shall make such rules as shall be necessary for the orderly conduct of the business and proceeding of the said courts, which rules shall be approved by and be subject to the revision of the president judge of the court of common pleas of the county in which such city is situated.

Police justices to be designated as judges.

Rules subject to revision by common pleas judge.

Police commissioners to provide rooms, &c.

92. SEC. 2. That the board of police commissioners in such city where said courts are established shall provide suitable rooms for the transaction of the business of such courts, and procure suitable furniture therefor, and such books and stationery as may be necessary, and shall designate the police officers to attend the sittings of such courts and preserve order therein.

Additional powers, authority and jurisdiction.

93. SEC. 3. That said courts shall have, possess and exercise, in addition to the powers, authority and jurisdiction which the said police courts and the said police justices thereof may now have, all the powers, authority and jurisdiction of the court of two justices of the peace, and of the justices of the peace in and for the several counties of this state, except such as are

conferred upon the said justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six.

94. SEC. 4. That no person tried in said courts shall be entitled to a trial by jury, except in all suits for the violation of city ordinances, and in cases arising under section five of an act entitled "An act concerning disorderly persons," and under an act entitled "An act for the maintenance of bastard children."

95. SEC. 5. That it shall be lawful for all commitments, writs and other processes of said courts either to be signed by the judge therefor or to be tested in the name of the said judge and signed by the clerk of the said court, and the said clerk shall have authority to take any complaint or complaints, or affidavit or affidavits, to be used in said courts respectively, and to administer any oath or affirmation proper to be administered in said courts, and by the instruction of the judge to receive in the judge's absence the verdict of any jury, and in the absence of the judge to adjourn the court to the following day; and that the dockets of said courts shall be kept by the respective clerks thereof, and the papers and records of said courts shall be filed by them, and be and remain in their custody, to be delivered to their respective successors; and that the said clerks shall have all the power and authority appertaining by law to clerks of courts of record, and the judge of said courts, or the clerk thereof in his absence, may take bail in all cases except treason, murder and manslaughter, provided that the amount of such bail when taken by the clerk shall have been first fixed by the judge; and in all cases of summary convictions had in such courts the complaint, warrant, record of the proceedings and the conviction of the offender shall be and remain in the custody of such clerks as a part of the records of said courts, and it shall not be necessary to take or keep any record of the evidence or testimony taken on the trial of any case in said courts.

96. SEC. 6. That in all cases when a complaint shall be made in said courts a summons or warrant may issue thereon in the discretion of the judge thereof; if a summons is issued it shall, as near as may be, be served and returned in the same manner as in courts for the trial of small causes, except that the summons may be made returnable in two days from its service; if any trial or examination before any of the said courts shall be adjourned, the judge or clerk thereof may take bail to such city in which said court is established that the defendant shall appear in said court at the time to which the said trial or examination is adjourned, and not depart the said court without leave; and that if a defendant who has been duly summoned shall not appear on the return day, or on the day when such cause shall be tried, the said cause may be heard and determined in his absence, and if a commitment shall be issued, it shall be lawful for the defendant to be taken into custody under the said commitment in the same manner as under a warrant, and to be delivered to the keeper of the county jail as directed in the said commitment.

97. SEC. 7. That if any person shall be convicted in any of said courts, it shall be sufficient for the conviction to set out the name of the defendant, and the number of the section and the title of the statute or ordinance under which the conviction is had, the names of the witnesses sworn and a list of the exhibits produced at the trial, and a statement that the defendant was convicted, with the date of such conviction, which conviction may be signed by the judge of such court or tested in the name of the judge and signed by the clerk thereof under seal of such court; it shall

Jury trials not allowed except in certain cases.

Writs and process how tested and signed.

Powers and duties of clerk.

Amount of bail to be taken to be fixed by the judge.

Record of evidence unnecessary.

Upon complaint, either summons or warrant may issue, at discretion of judge.

Conviction, what to set out.

How signed or tested.

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not be necessary to set forth in said conviction the whole or any part of the testimony upon which such conviction is had.

Judge may designate a deputy clerk.

98. SEC. 8. That the judge of any of said courts may, at the request of the clerk thereof, designate in writing a deputy clerk, who shall have authority to write for said clerk and to sign his name to all papers, the said clerk being responsible for all the acts of his said deputy.

May sit in any other police court and any justice of the peace may sit for him.

99. SEC. 9. That it shall be lawful for a judge of any of said courts to sit as judge of any other of said courts, and any duly-qualified justice of the peace, at the request of the judge of said court, may sit in the place and stead of said judge, and the judge or justice so sitting shall have the same power and authority as the judge of said court.

Arrests for violation of city ordinances.

100. SEC. 10. That any person found violating any ordinance of any of said cities, or of any board of such city, may be arrested by any police officer of such city or by any employe of said city or said board, whose duty it shall be to enforce said ordinances, and taken before any of said courts in said city, when the case shall be summarily heard and disposed of by the judge of said court without the filing of any pleadings, and if the defendant shall be found guilty the judge of said court may impose upon him a fine not exceeding the penalty prescribed for the violation of such ordinance, and in default of the payment of the said fine the defendant shall be committed to the county jail for any number of days the said judge may determine, not exceeding in number the number of dollars of the fine so imposed.

Judge may commit disorderly persons to workhouse or jail.

101. SEC. 11. That in all cases where any person shall be convicted in said courts of having violated any of the provisions of the act entitled "An act concerning disorderly persons" [Revision], approved April ninth, one thousand eight hundred and seventy-five, or of the various supplements thereto, it shall and may be lawful for the judge before whom such person was convicted to commit such person to the workhouse or common jail of the county in which such person may be convicted, for a period not to exceed ninety days, or to impose a fine of not more than thirty dollars on the person so convicted; *provided*, that this section shall not apply to persons convicted under the fifth section of said act.

Proviso.

May remit fines and penalties.

102. SEC. 12. That in case any person convicted in said courts shall have been committed to the workhouse or common jail in default of paying the fine or penalty imposed upon such conviction, it shall be lawful for the judge imposing such fine or penalty to remit the whole or any portion thereof, and to discharge the person so committed from further custody; and in case any person convicted in said courts shall have been committed to the workhouse or common jail without a fine, it shall be lawful for the judge before whom such conviction was had, upon application made to him for that purpose, to order the person so committed to be brought before him for a rehearing, and if on such rehearing it shall appear to the satisfaction of said judge that the person so convicted should be discharged from further custody, it shall be lawful for said judge to discharge said person.

May rehear cases and discharge persons theretofore convicted.

May commit persons convicted of keeping houses of ill-fame, &c., to workhouse or jail.

103. SEC. 13. That in case any person shall be convicted in said courts of keeping or maintaining a disorderly house or house of ill-fame, in violation of the provisions of the ordinances of the city in and for which such courts exist, it shall be lawful for the judge to impose upon the person so convicted the penalty prescribed in the ordinances, or to commit the person so convicted to the workhouse or common jail of the county in which such person may be convicted, for a period not to exceed ninety days.

Convictions may be set aside by a justice of supreme court or judge of common pleas.

104. SEC. 14. That it shall be lawful for the justice of the supreme court holding the circuit in each of the counties wherein such courts exist, or for the president judge of the court of common pleas of such county, upon application made for that purpose by any person summarily convicted in said courts, to order the complaint and warrant (if there be a complaint and warrant), the commitment, and the record of conviction, to be forthwith brought before him, and if such complaint, warrant, record of conviction or commitment shall be found illegal, such conviction shall be forthwith set aside, and the persons so convicted discharged from further custody.

- 105.** SEC. 15. That the said justice of the supreme court, or judge of the court of common pleas, for each case brought before him under the provisions of the preceding section, shall be entitled for his services therein to the sum of two dollars, to be paid by the applicant, and said fees, when paid, shall be disposed of as now required by law. Fee of supreme court justice.
- 106.** SEC. 16. That it shall not be necessary for the judges of the said courts to take in writing the examination of any person brought before them charged with any crime, misdemeanor or offense not triable in said courts, unless the person so charged shall ask for such examination. Unnecessary to commit examinations to writing unless asked for.
- 107.** SEC. 17. That the salaries of the judges and the clerks of said courts shall be payable monthly, in the same manner that other officers of such cities are paid. Salaries shall be paid monthly.
- 108.** SEC. 18. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Supplement.

Approved March 22, 1895.

P. L. 1895, p. 571.

- 109.** SEC. 1. That if the common council, board of finance, or other board or body having charge and control of the finances of any city in which courts are established by the act to which this act is a supplement, shall by resolution so provide, the annual salary of the judges of said courts shall be three thousand five hundred dollars, and the annual salary of the clerks shall be eighteen hundred dollars, to be paid monthly in the same manner that other officers of such city are paid; and upon the adoption of such resolution, all fees now by law payable to such judges and clerks shall be paid into the city treasury for the use of the city, and thereafter the judges and clerks of such courts shall not be paid any fees or compensation other than the salaries herein provided for. Salaries of judge and clerk shall be provided for by financial board. All fees shall be paid into city treasury.
- 110.** SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act be and they are hereby repealed, and this act shall take effect immediately. Repealer.

An act respecting criminal courts in cities of the first class in this state, and providing for the increase of jurisdiction thereof and regulating the proceedings therein.

Approved February 19, 1895.

P. L. 1895, p. 97.

- 111.** SEC. 1. That the criminal courts in any city of the first class in this state shall have jurisdiction to try and determine all cases of assault, simple assault and battery, petty larceny and any other offense, the penalty for which does not exceed a fine of one hundred dollars or imprisonment for a term not exceeding six months, or both, where such assault, simple assault and battery, petty larceny or other offense is committed within the corporate limits of the city in which such court is established, provided the person or persons charged with any such offense shall, in writing, waive indictment and trial by jury. Criminal courts in cities of first class may try cases of assault, larceny, &c., where indictment and trial by jury are waived.
- 112.** SEC. 2. That whenever judgment shall be rendered in any such criminal court, upon conviction of any of the offenses specified in the first section of this act, such proceedings shall be had thereupon for the purpose of obtaining satisfaction of the fine and costs, or costs, adjudged, by writ or writs of fieri facias, or warrant or warrants in the nature of a capias ad satisfaciendum, in the like manner and to the same effect as in civil cases; but such execution or executions, warrant or warrants in the nature of a capias ad satisfaciendum, shall not have the effect to discharge the defendant or defendants from imprisonment, pursuant to the judgment of the court, until such judgment shall be satisfied. Proceedings for obtaining satisfaction of judgment.
- 113.** SEC. 3. That the clerk of such court shall keep a record of all the causes tried in such court under the provisions of this act in a separate docket to be provided by the board of police commissioners of the city in which such court is established, which docket shall always be open to the inspection of any person lawfully entitled thereto, and all papers in every cause tried in such court under the provisions of this act shall be filed Clerk shall keep record of causes tried.

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- and remain in said court, and no record of conviction, other than the record in said docket, shall be necessary in any case; a transcript of such docket, certified by the clerk under the seal of the court, shall be received and taken in all courts and places as evidence of the matters therein contained, and have the same probative force as the docket itself; the clerk shall furnish to any person requiring the same a transcript of the record from said docket in any cause upon the payment to him of a fee of fifty cents.
- 114. SEC. 4.** That there shall be paid monthly by the city in which such court is established the following fees: to the judge of the court a fee of three dollars for trying each cause under the provisions of this act; to the clerk a fee of two dollars in each cause, which fees shall constitute, together with the fees of the witnesses on the part of the state, the costs of the trial; all fines and costs collected shall be paid by the clerk of such court to the comptroller or city treasurer as now provided by law, who shall keep a separate account thereof, and no fees shall be paid to said judge and clerk except out of said moneys realized from fines and costs imposed and collected.
- 115. SEC. 5.** That upon any conviction under this act the court may impose such penalty or penalties as may be provided by law for the offense of which the defendant shall be convicted.
- 116. SEC. 6.** That any person waiving indictment and trial by jury as provided in the first section of this act, may be held to bail to appear for trial in said court at such time as may be fixed, and in default of such bail may be temporarily committed to the county jail of the county in which such court exists, and on the order of the judge making such commitment shall be brought before said court for trial.
- 117. SEC. 7.** That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

An act authorizing and concerning the imprisonment of persons fined for violating city ordinances and who shall refuse or neglect to pay such fines.

Approved February 23, 1895.

P. L. 1895, p. 118.

Persons refusing or neglecting to pay fines or penalties for violation of ordinances may be committed to jail or workhouse.

118. SEC. 1. That in all cases where a conviction is had for the violation of any city ordinance, and a pecuniary penalty or fine has been imposed for such violation, if the person found guilty of such violation shall refuse or neglect to pay the amount of such penalty, together with all costs and charges incident thereto, the court, justice of the peace, police justice, or recorder rendering such judgment is hereby empowered to commit such person to the county jail or workhouse of the county in which such conviction shall be had, for any period not exceeding ninety days, and said court, justice of the peace, police justice or recorder is further empowered, upon proof made that such person so committed has paid said penalty, together with all costs and charges incident thereto, to order said person to be discharged from said commitment.

119. SEC. 2. That it shall be the duty of the keeper of the jail or workhouse of the proper county to receive and safely keep every person who shall have been committed pursuant to the foregoing section, for the time named in such commitment, unless sooner discharged by the order made as aforesaid.

120. SEC. 3. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall go into effect immediately.

Keeper required to receive and keep prisoners.

Repealer.