

SENATE....No. 45.

[Mr. REED proposes the following as a substitute for the Bill to provide for the better administration of the Criminal Law.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Eight.

AN ACT

To authorize the Selection of Trial Justices of the Peace.

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

1 SECT. 1. The inhabitants of each town in the
2 Commonwealth, shall once in two years, at their an-
3 nual meeting, select by ballot from among the jus-
4 tices of the peace resident therein, one and not more
5 than two persons, who for the two years then next

6 ensuing, shall, except as is hereinafter provided, have
7 jurisdiction to hear, try, and determine all causes, civil
8 and criminal, in said town, whereof justices of the
9 peace now have or may hereafter have jurisdiction.
10 And no justice of the peace, except those so selected,
11 shall have authority to institute, hear, try, or deter-
12 mine any criminal cause, or to try any civil cause.

1 SECT. 2. If the commission, as justice of the peace,
2 of any person selected as aforesaid, shall expire dur-
3 ing the term for which he was so selected, and if said
4 person shall not within two days receive a new com-
5 mission; or if any justice of the peace so selected as
6 aforesaid, shall die, or change his domicile, or if for any
7 cause there shall be a vacancy in the place of trial
8 justice of the peace, the inhabitants of the town in
9 which said vacancy exists, shall as soon as may be,
10 select a justice of the peace to fill said vacancy, and
11 said person so selected, shall continue to act through
12 the time for which the person whose vacancy he fills
13 was selected. In case of a vacancy, as above, in any
14 town, any justice of the peace in said town may act
15 until the vacancy is filled.

1 SECT. 3. This act shall not apply to places in
2 which police courts exist, and when a police court is
3 hereafter established in any town, the authority of the
4 justices aforesaid shall cease.

1 SECT. 4. This act shall take effect on the first
2 Monday of May next, and on that day the first selec-
3 tion of trial justices of the peace, under this act, shall
4 be made, and said persons so selected on said day,
5 shall act until the second annual meeting in said
6 towns, after said first Monday of May.