

## HOUSE....No. 240.

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[Reported by the Committee on the Judiciary.]

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### Commonwealth of Massachusetts.

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

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### AN ACT

To establish a Police Court in the town of Fall River.

*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. A Police Court is hereby established in  
2 the town of Fall River, to consist of one learned,  
3 able and discreet person, to be appointed and commis-  
4 sioned by the governor, pursuant to the constitution,  
5 to take cognizance of all crimes, offences, and misde-  
6 meanors, committed within the town of Fall River,  
7 whereof justices of the peace now have or may here-  
8 after have jurisdiction. And the court hereby estab-

9 lished shall hear and determine all suits, complaints,  
10 and prosecutions, in like manner as by law provided  
11 for the exercise of the power and authority which  
12 are, or may be, vested in justices of the peace, and  
13 shall do all acts necessary to and consistent with such  
14 powers and authority.

15 And the said Police Court shall also have original  
16 and concurrent jurisdiction and cognizance of all  
17 suits and actions which may now, or at any time here-  
18 after, be heard, tried and determined before any jus-  
19 tice of the peace in the county of Bristol, and  
20 exclusive jurisdiction whenever all the parties reside  
21 in Fall River, and the service of the writ is had  
22 on the defendant in said county; and no writ in  
23 any such suit or action, shall be made returnable be-  
24 fore any justice within said town, but to said Police  
25 Court only; and an appeal shall be allowed from all  
26 judgments of said Police Court, in like manner, and to  
27 the same extent, that appeals are now allowed by law  
28 from judgments of justices of the peace; and the  
29 justice of said Police Court shall not be of counsel or  
30 attorney to any party in any matter or thing whatso-  
31 ever which may be pending in said court.

1 SECT. 2. All warrants issued by said court, or by  
2 any justice of the peace within said town, shall be  
3 made returnable and shall be returned before said  
4 court; and if any warrant shall be issued by any  
5 justice of the peace, returnable before said court, the  
6 lawful fees payable therefor shall not be paid or al-  
7 lowed, unless, on examination in hearing before said  
8 court, it shall appear to said court that there was just  
9 and reasonable cause for issuing said warrant, in which  
10 case such fees, costs and charges shall be allowed and  
11 taxed in like manner as though said warrant had been

12 issued by a justice of the peace, according to the law  
13 now in force.

1     SECT. 3. All fines and forfeitures, and all costs  
2 in criminal prosecutions, which shall be received  
3 by or paid into the hands of the justice of said court,  
4 shall be by him accounted for and paid over to  
5 the same persons, in the same manner and under the  
6 same penalties for neglect as are by law prescribed in  
7 the case of justices of the peace ; and all costs in such  
8 prosecutions not thus received shall be made up,  
9 taxed, certified, and allowed, and shall be paid and  
10 satisfied in like manner as is provided by law in cases  
11 of justices of the peace.

1     SECT. 4. A court shall be held by said justice, at  
2 some suitable and convenient place, on two several days  
3 of each week, at nine of the clock in the forenoon,  
4 and as much oftener as may be necessary, to take cog-  
5 nizance of crimes, offences, and misdemeanors, and  
6 on one day in each fortnight, at ten of the clock in the  
7 forenoon, and may be adjourned from day to day by  
8 the justice thereof, and at such other times as may be  
9 necessary, for the trial of civil suits and actions ; and  
10 the justice of said court shall from time to time  
11 establish all necessary rules for the orderly and uni-  
12 form conducting of the business thereof.

1     SECT. 5. The justice of said court shall retain to  
2 his own use all fees by him received, or which now  
3 accrue to justices of the peace in criminal prosecu-  
4 tions, in full compensation for all services assigned to  
5 him by the provisions of this act, in criminal matters,  
6 and all legal fees in civil matters ; *provided*, that when-  
7 ever the fees in criminal prosecutions amount to more  
8 than seven hundred dollars per annum, the excess

9 shall be paid to the county of Bristol in the month of  
10 January annually, in the same manner as justices of  
11 the peace are now bound to pay money received for  
12 fines.

1     SECT. 6. The justice of said court shall keep a fair  
2 record of all proceedings in said court, and shall make  
3 return to the several courts of all legal processes, and  
4 of his doings therein, in the same manner as justices  
5 of the peace are now by law required to do ; and he  
6 shall also annually, in the month of January, exhibit  
7 to the selectmen of said town of Fall River a true  
8 and faithful account of moneys by him received as  
9 fees.

1     SECT. 7. Said justice is hereby authorized to ap-  
2 point a clerk of said Police Court, to be paid by him,  
3 and to hold his office during the pleasure of said jus-  
4 tice, whenever in his discretion the business of the  
5 court shall require such appointment ; and the clerk  
6 so appointed shall be duly sworn to the faithful dis-  
7 charge of the duties of his office, and under the direc-  
8 tion of the justice shall keep a fair record of all the  
9 proceedings of said court.

1     SECT. 8. All suits, actions, and prosecutions which  
2 shall be instituted and pending before any justice of  
3 the peace within the town of Fall River when this  
4 act shall take effect, shall be heard and determined as  
5 though this act had not been passed.

1     SECT. 9. There shall be appointed by the governor,  
2 by and with the advice and consent of the council,  
3 two special justices of said court ; and whenever it  
4 shall happen that the standing justice of said court  
5 shall be interested in any suit or prosecution cogniza-

6 ble in said court, or shall from any cause be unable to  
7 hear and determine any matter or thing pending  
8 therein, the cause shall be assigned on the record  
9 by the standing or special justice, and the court  
10 shall be held, and its jurisdiction exercised, by one of  
11 said special justices. And the said special justice shall  
12 be paid for the services by him performed, out of the  
13 fees received in said court, such sum as the standing  
14 justice would be entitled to receive for the same  
15 services.

1     SECT. 9. The governor shall have power, by and  
2 with the advice and consent of the council, to appoint  
3 said justice and special justices at any time after the  
4 passing of this act.

1     SECT. 12. This act shall take effect on and after  
2 the first day of July next.

