

HOUSE...No. 91.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 13, 1854.

The Committee on the Judiciary, to whom was referred the Petition of the City of Cambridge for the establishment of a Police Court, have considered the same, and Report the accompanying Bill.

JAMES D. COLT, 2D, *Chairman.*

Commonwealth of Massachusetts.

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

AN ACT

To establish a Police Court within the City of Cambridge.

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 city of Cambridge, to consist of one competent
3 and discreet person, to be appointed and commissioned
4 by the governor, pursuant to the Constitution, as
5 standing justice.

1 SECT. 2. The said court shall have original and ex-
2 clusive jurisdiction over all crimes, offences, and mis-
3 demeanors committed within said city of Cambridge,
4 whereof justices of the peace now have or may hereafter

5 have jurisdiction, (and no warrant shall be issued by
6 any justice of the peace within said city); also, of
7 all suits and actions which may now, or at any time
8 hereafter, be heard, tried, and determined before any
9 justice of the peace in the county of Middlesex,
10 whenever all the parties shall reside in Cambridge,
11 and service of the writ is had on the defendant in said
12 county.

13 The said court shall have original and concurrent
14 jurisdiction, with justices of the peace in said county of
15 Middlesex, over all crimes, offences and misdemeanors,
16 whereof justices of the peace now have, or hereafter
17 may have jurisdiction; also, of all suits and actions
18 within the jurisdiction of any justice of the peace
19 within the county of Middlesex.

1 SECT. 3. An appeal shall be allowed from all
2 judgments of said police court, in like manner, and
3 to the same extent, that appeals are now allowed by
4 law from judgments of justices of the peace; and the
5 justice of said police court shall not be of coun-
6 sel to any party in any cause which may be pending
7 in said court.

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

9 and shall be paid in like manner as is provided by law
10 in cases of justices of the peace.

1 SECT. 5. The justice of said court shall receive an
2 annual salary of not less than one thousand dollars,
3 the amount of which, if above that sum, shall be
4 determined not oftener than once in each year, by the
5 concurrent vote of the two branches of the city coun-
6 cil of said city; and said salary shall be paid to him
7 in equal quarterly payments, out of the treasury of
8 said city, and shall be in full for all services which he
9 is or may hereafter be required or authorized to per-
10 form as said justice.

1 SECT. 6. A court shall be held by said justice, at
2 some suitable place in said city of Cambridge, to be
3 provided at the expense of the same, on two sev-
4 eral days of each week, at nine of the clock in the
5 forenoon, and as much oftener as may be necessary, to
6 take cognizance of crimes, offences and misdemean-
7 ors, and on one day of each week, to be appointed
8 and made known by said justice, for the trial of
9 civil suits and actions. The justice of said court
10 may adjourn said court, as justices of the peace may
11 now adjourn the same hearings, or trials, and he shall,
12 from time to time, establish all necessary rules for
13 the orderly and uniform conducting of the business
14 thereof.

1 SECT. 7. The justice of said court shall keep a
2 fair record of all proceedings in said court, and shall
3 make return to the several courts of all legal pro-
4 cesses, and of his doings therein, in the same manner
5 as justices of the peace are now by law required to

6 do ; and he shall also, annually, in the month of De-
7 cember, exhibit to the city council of the said city of
8 Cambridge, a true and faithful statement of moneys
9 received by him as fees.

1 SECT. 8. The justice of said court shall twice in
2 every year, on the first day of June and on the first
3 day of December, account for and pay over to the
4 treasurer of the said city of Cambridge, all fees of
5 every description, received by him in the course of his
6 judicial proceedings, civil or criminal.

1 SECT. 9. The justice of said court is hereby author-
2 ized to appoint a clerk of said police court, to be paid
3 by him, and to hold his office during the pleasure of
4 said justice, whenever in his discretion, the business
5 of the court shall require such appointment. And
6 the clerk so appointed shall be duly sworn to the
7 faithful discharge of the duties of his office, and
8 under the direction of the justice, shall keep a fair
9 record of all the proceedings of said court.

1 SECT. 10. The jurisdiction of said police court
2 shall not be limited by reason of any interest on the
3 part of the justices of said court in the payment of
4 fines and costs into the treasury of the said city of
5 Cambridge, or of the county of Middlesex.

1 SECT. 11. There shall be appointed by the gov-
2 ernor, by and with the advice and consent of the
3 council, one special justice of said court, who shall
4 have power, in case of the absence, sickness, interest,
5 or any other disability of the standing justice, to issue
6 the processes of said court, to hear and determine any

7 matter or cause pending, and to exercise all the pow-
8 ers of the standing justice, until such disability be
9 removed. The said special justice shall be paid for
10 the services performed by him, out of the salary of the
11 standing justice, such sum as said standing justice
12 would be entitled to for the same services.

1 SECT. 12. All suits, actions, and prosecutions,
2 which shall be pending within the said city of Cam-
3 bridge before any justice of the peace, when this act
4 shall take effect, shall be heard and determined as
5 though this act had not passed.

1 SECT. 13. The governor shall have power, by and
2 with the advice and consent of the council, to appoint
3 said standing and special justice, at any time after
4 the passage of this act.