

SENATE...No. 175.

Commonwealth of Massachusetts.

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

AN ACT

Concerning the payment of Criminal Costs by the Cities
and Towns.

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

1 SECT. 1. The legal costs incurred and taxable in
2 the prosecution of criminal offences now cognizable
3 by police courts and trial justices, and which shall be
4 finally adjudicated before such courts and justices,
5 shall, unless paid by the respondents, be borne by the
6 towns or cities wherein such criminal offences were

7 committed; or, if committed in the district of Marsh-
8 pee, by the state; and all costs and fines paid in any
9 prosecution for such offences to any jailer, sheriff,
10 constable or other civil officer, shall be forthwith paid
11 to the proper officer in the police court wherein, or
12 to the trial justice before whom such offence was
13 prosecuted.

1 SECT. 2. All complaints made to any police court
2 or trial justice shall be entered upon a docket to be
3 kept for that purpose, and all warrants issued upon
4 any complaint shall be returned to the court or justice
5 specified in the warrant, with the return of the officer
6 who served the same, or who had the same for service,
7 indorsed thereon.

1 SECT. 3. The several clerks of police courts in this
2 Commonwealth and the standing justice of said courts
3 in which there is no clerk, and the several trial
4 justices, shall quarterly in the months of January,
5 April, July and October, account with the treasurers
6 of the several towns and cities for all moneys in their
7 hands belonging to such towns and cities under the
8 provisions of this act.

1 SECT. 4. The several clerks of police courts, the
2 standing justice of said courts and the several trial
3 justices shall forthwith after the final adjudication of
4 any criminal cause before such court or trial justice,
5 the costs of which shall be unpaid by the respondent,
6 transmit to the treasurer of the city or town liable
7 under the provisions of this act to pay the costs
8 thereof, a copy of the bill of costs taxed in such

9 cause, specifying to whom the several items thereof
10 are payable, the name of the respondent, and the
11 name of the officer who served the process.

1 SECT. 5. The clerks of each of the several police
2 courts shall give a bond in the penal sum of five
3 thousand dollars, with sufficient surety or sureties to
4 their respective cities or towns wherein such courts
5 are established, conditioned that he will pay quarterly
6 in the months of January, April, July and October in
7 each year, on demand, all moneys belonging to such
8 cities or towns under the provisions of this act, and
9 also that he will in the same manner pay to each and
10 every other city or town in the Commonwealth, all
11 moneys that shall come into his hands as such clerk
12 for the benefit of such other city or town, by force of
13 the provisions hereof.

1 SECT. 6. The third and fourth sections of this act
2 shall not apply to the city of Boston.

1 SECT. 7. The bills of costs returned to the treas-
2 urers of the respective towns and cities other than
3 Boston, shall be examined and audited in cities in the
4 manner provided by law or ordinance, and in towns
5 by the selectmen thereof; and the auditors are empow-
6 ered to allow or disallow all such bills of costs; and
7 a certificate of such auditing, and allowance or disal-
8 lowance, shall be indorsed on the accounts and filed
9 in the office of the proper city or town treasurer for
10 the information of whom it may concern.

1 SECT. 8. Trial justices and judges of police courts
2 shall have jurisdiction of all offences cognizable before

3 them, notwithstanding the city or town wherein they
4 reside may be entitled to the fine and costs of the
5 prosecution or be liable to pay the same.

HOUSE OF REPRESENTATIVES, March 29, 1859.

Passed to be engrossed.

Sent up for concurrence.

WILLIAM STOWE, *Clerk.*