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*City Document—No. 13.*

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AN ACT

TO ESTABLISH A

POLICE COURT

IN THE

CITY OF ROXBURY.

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ROXBURY:  
NORFOLK COUNTY JOURNAL PRESS.  
1855.

**CITY OF ROXBURY.**

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**IN BOARD OF ALDERMEN, April 16, 1855.**

**ORDERED,** That two hundred copies of "An Act to Establish a Police Court in the City of Roxbury," passed April 9, 1855, be printed for the use of the City Council.

**JOSEPH W. TUCKER, City Clerk.**



# Commonwealth of Massachusetts.

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

## AN ACT

### To establish a Police Court in the City of Roxbury.

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

SECTION 1. A Police Court is hereby established in the City of Roxbury, to consist of one competent and discreet person, to be appointed and commissioned by the Governor, pursuant to the Constitution, as Standing Justice.

SECT. 2. The said court shall have original and exclusive jurisdiction over all crimes, offences and misdemeanors committed within said City of Roxbury whereof justices of the peace now have or may hereafter have jurisdiction; also of all suits and actions which may now or at any time hereafter be heard, tried and determined before any justice of the peace in the County of Norfolk, whenever all the parties shall reside in Roxbury, and service of the writ shall be had on the defendant in said county: but the jurisdiction of the Court of Common Pleas shall not be affected by this act. The said court shall have original and concurrent jurisdiction, with justices of the peace in said County of Norfolk, over all crimes, offences, and misdemeanors whereof justices of the peace within said county now have or may have jurisdiction; also- of all suits and

actions within the jurisdiction of any justice of the peace within the County of Norfolk.

SECT. 3. An appeal shall be allowed from all judgments of said Police Court in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace; and the Justice of said Police Court shall not be or act as counsel for any party in any cause which may be pending in said court, or which shall have been heard, tried or examined therein.

SECT. 4. The justice of said court shall receive an annual salary of not less than one thousand dollars, the amount of which, if above that sum, shall be determined not oftener than once in each year by the concurrent vote of the city council of said city; and said salary shall be paid in equal quarterly payments out of the treasury of said city, and shall be in full for all services which he is or may hereafter be required or authorized to perform as said justice.

SECT. 5. A court shall be held by said justice at some suitable place in said City of Roxbury, to be provided at the expense of said city, on every day of the week, Sundays, Christmas, the Fourth of July, and public days of Thanksgiving and Fast excepted, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors; and on one day in each week, to be appointed and made known by said justice, for the entry and trial of civil actions. And said justice may adjourn said court as justices of the peace may now adjourn the same hearings or trials, and he shall from time to time establish all necessary rules for the orderly and uniform conducting of the business of the court.

SECT. 6. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes and of his doings therein in the same manner as justices of the peace

are now by law required to do; and he shall also annually, in the month of December, exhibit to the city council of said City of Roxbury a true and faithful statement of all moneys received by him as fees.

SECT. 7. All fines and forfeitures and all costs in criminal prosecutions in said court shall be received by said justice, and shall be by him accounted for and paid over to the same persons in the same manner and under the same penalties as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified, and allowed, and shall be paid in like manner as is provided in case of justices of the peace.

SECT. 8. All fees and charges of said justice, both in civil and criminal proceedings, shall be received by him, and by him accounted for and paid to the Treasurer of said City of Roxbury, quarterly.

SECT. 9. The jurisdiction of said Police Court shall not be limited by reason of any interest on the part of the justices of said court in the payment of fines and costs into the treasury of said City of Roxbury or County of Norfolk.

SECT. 10. There shall be appointed by the Governor, by and with the advice and consent of the Council, two special justices of said court either of whom shall have power, in case of the absence, sickness, interest or other disability of the standing justice, to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. And said special justices shall be paid for the services as performed by them, out of the salary of the standing justice, such sum as the standing justice would be entitled to for the same service.

SECT. 11. All suits, actions and prosecutions which shall be pending within said City of Roxbury before any justice



of the peace when this act shall take effect, shall be heard and determined as though this act had not passed.

SECT. 12. The Governor shall have power, by and with the advice and consent of the Council, to appoint said standing and special justices at any time after receiving notice of the acceptance of this act by the city council of Roxbury.

SECT. 13. The city council of Roxbury may, whenever the business of said court shall in the judgment of said council require it, elect, by concurrent vote, a suitable person to act as Clerk of said court. Such clerk, when determined on, shall be chosen annually, and shall be sworn to the faithful performance of the duties of his office, and shall give bond to the City of Roxbury in such sum as the mayor and aldermen of said city shall from time to time determine, with surety or sureties to the acceptance of the city treasurer, with condition for the faithful performance of the duties of his office. Said clerk shall not be retained or employed as counsel or attorney in any suit, complaint, or other proceeding whatever before said court, nor in any which shall have been heard and tried or examined therein. Said clerk, when chosen, shall perform all the duties required of said standing justice by sections six, seven and eight of this act. In case of the death or absence of said clerk after he shall have been chosen, the court shall appoint a clerk *pro tempore*, who shall act until the standing clerk shall resume the duties of his office or another shall be chosen, as herein provided; said clerk *pro tempore* shall receive the same rate of compensation for his services as the standing clerk, to be paid out of the salary of said standing clerk. Said standing clerk shall receive in full compensation for all his services as clerk, except for certificates and copies of papers and proceedings of said court, such sum, annually, as shall be annually fixed upon by concurrent vote of the city council; and said salary shall be paid quarterly from the treasury of the City of Roxbury.



SECT. 14. This act shall be void unless the city council of Roxbury shall, by concurrent vote, accept the same within sixty days from and after its passage.

HOUSE OF REPRESENTATIVES, April 6, 1855.

Passed to be enacted.

DANIEL C. EDDY, Speaker.

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IN SENATE, April 7, 1855.

Passed to be enacted.

HENRY W. BENCHLEY, President.

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April 9, 1855.

Approved.

HENRY J. GARDNER.

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SECRETARY'S OFFICE, BOSTON, April 9, 1855.

I hereby certify that the foregoing is a true copy of the original act.

E. M. WRIGHT,  
Secretary of the Commonwealth.











