

An act- Entitled

An Ordinance

Concerning Proceedings Before
Police Magistrates or Justices of
the Peace for fines and penalties
Be it enacted by the Board of Trustees of Grand Junction

SEC 1st That the Police Magistrate, if one
be appointed, and if no Police Mag-
istrate be appointed then any Justice
of the Peace under the laws of
Colorado residing within the Town
of Grand Junction shall have juris-
diction to hear and determine all
suits and actions for violations of
any of the ordinances of said Town

SEC 2nd Whenever any fine, forfeiture
or penalty shall be imposed for
the breach of any ordinance of said
Town, the same may be recovered by
suit before the Police Magistrate, or
if there be no Police Magistrate
then before any Justice of the Peace
as aforesaid in the nature for any
action for debt,

SEC 3rd Actions for violations of ordinances
may be commenced by filing with
the Police Magistrate or Justice of
the Peace, a statement or complaint
in the name of the People of the
State of Colorado, stating the nature
of the offence signed by the Town
Attorney or any officer of the
Town, which statement may be
in the following form

The People of the State of Colorado
Plaintiff

vs

A B

Defendant;

The said defendant is indebted to plaintiff
— — — dollars for violation of an
ordinance of the Town of Grand
Junction entitled (here insert the title
and Section thereof) Passed the
day of — — — A.D. 188— in this town;
(here describe the breach in the lan-
-guage of the ordinance;) on the — day
of — — — A.D. 18—

(Official position of officer

or in lieu of the foregoing, a complaint
under oath in the name of the people
of the State of Colorado may be filed,
stating that an ordinance of the town
has been violated and that the ^{person} making
the complaint has reasonable grounds
to believe the party charged is guilty
of such violation, said complaint shall
further state the particular ordinance
and part of such ordinance alleged
to have been violated, and the mode
and manner of such violation by
the party charged therewith giving
the name of such party if known,
and if unknown then the party may
be complained of and arrested or
summoned by any name or descrip-
-tion best suited to identify such party
upon the appearance of such unknown
party he shall be required by the

Police Magistrate or Justice to disclose his real name, and upon refusal to do so may be dealt-with by any name or description the Magistrate or Justice may deem best-suited for the purpose of identification,

Sec. 4th No action before a Police Magistrate or Justice of the Peace, shall be dismissed for any defect in form in said Statement or Complaint, if it substantially sets forth the nature of the violation alleged, so as to give the defendant notice of the charge he is required to answer, and such Statement or Complaint may include several persons charged with the same offence,

Sec. 5th Upon the filing of such Statement or Complaint, the Magistrate or Justice shall enter the case upon his docket in the usual manner required by law and shall issue a summons or capias returnable forthwith or at such time as the Magistrate or Justice may designate. Whenever any person has been arrested on view or otherwise according to law, without a warrant the Magistrate or Justice shall enter upon his docket the manner of his arrest, and shall also take the affidavit of the officer as to the cause of his such arrest.

Sec. 6, ^{1st} In all cases where Complaints shall be made on oath as herein after provided and the Magistrate or Justice of the Peace, shall be of the opinion that a speedy proceeding is necessary to secure the punishment of the offender, he shall issue a warrant which may be substantiated in the following form:—

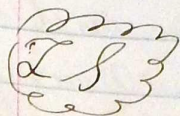
State of Colorado }
 County of Gunnison } ss
 Town of Grand Junction }

The People of the State of Colorado to the Town Marshal of the Town of Grand Junction or any Constable of said County Greeting:

Whereas _____ has complained on oath before me that A _____ B _____ has violated an ordinance of the Town of Grand Junction entitled (here insert the title and section) passed the _____ day of _____ A.D. 1888 by (here describe (the breach in the language of the ordinance) on the _____ day of _____ A.D. 1888

Now therefore you are hereby commanded to take the body of A _____ B _____ and bring _____ forthwith before me to be dealt with according to law.

Given under my hand and seal at the Town of Grand Junction this _____ day of _____ A.D. 1888



(Police Magistrate or Justice of Peace)

SEC. 7th Any person arrested by virtue of a warrant as hereinbefore provided may be admitted to bail by executing a bond in double the amount of the penalty for the offence charged conditional that he will appear on a day mentioned before the Police Magistrate or Justice, and not depart the Court without leave, which bond shall be attested by the Magistrate or Justice, and filed and an entry of the filings thereof shall be made in his docket.

SEC 8th If the defendant fail to appear according to the conditions of the bond aforesaid, or appearing shall depart the Court without leave, the Justice may enter judgment against him and his Sureties for the penalty of said bond.

SEC 9th Upon entering such judgment the Magistrate or Justice shall issue a process in the name of the people of the State of Colorado, against the parties liable on such bond, requiring them to appear on a day mentioned before him and show cause why judgment should not be confirmed against them and execution issued, any such judgment may be set aside by the Magistrate or Justice upon said Sureties appearing and showing good cause for the non-appearance of the principal in such bond.

SEC 10th A party in custody who cannot be tried on account of the absence of witnesses or other cause, and who cannot give bail for his appearance may be confined in the County Jail or other place of confinement provided for the not exceeding three days and in such case the Police Magistrate or Justice shall deliver to the officer committing such person a commitment - stating the cause of detention

SEC 11th When a defendant duly summoned fails to appear at the time set for the trial the Magistrate or Justice shall hear and examine the witnesses offered on the part of the Town, and shall render judgment by default against the defendant - for such sum as the Magistrate or Justice may under the Ordinance deem proper

SEC 12th Upon the rendition of judgment against any defendant for violating any ordinance of the Town the Magistrate or Justice shall make an order the same upon his docket, that - if the defendant neglect or refuse to satisfy such judgment or cost of suit - he shall be confined in the County Jail or such other place as the Board of Trustees may designate. Execution may be issued immediately on the rendition of judgment, and placed in the hands of the Town Marshal for collection

SEC 13th

Every person against whom any penalty or fine shall be recovered under the ordinance of the Town who shall refuse or neglect to pay the same when demanded upon execution, shall be committed to the Town Jail or such other place as the Board of Trustees may designate and shall labor at such work as his or her strength will permit until such fine or penalty and all cost thereon are fully paid to be allowed at the rate of two dollars per day for each days work performed under the direction of the Street Commissioner or Town Marshal; provided that no such person shall be required to work more than ten hours per day, and provided further that no such imprisonment shall exceed ninety days for any one offense.

Sec. 13 Repealed p. 168.

SEC 14th

The Police Magistrate of the Town shall have power to cause to be brought before him all persons who shall break the peace, and commit them to jail or admit them to bail as the case may be required, and also to have brought before him any person who threatens to break the peace or uses threats against any person to injure his body or property or to injure the property of any person, and also persons met of good fame, and such

Magistrate being Satisfied by the oath of one or more witnesses of the guilt of any such person so charged and brought before him shall cause such person to give good security for the peace or for his good behavior towards the people of the State and particularly towards the individual threatened and in default of such security may commit such person to the Town Jail until such security be given or until the next term of the District Court for the County

SEC 15th. The Town Marshal shall as often as required make a report to the Board of Trustees of the number of days work performed in pursuance of this ordinance and by whom performed.

SEC 16th in all prosecutions instituted by the Town of Grand Junction any officer shall be a competent witness for the Town.

SEC 17th All fines forfeitures and penalties for violating any of the Town ordinances shall as soon as collected be paid to the Town Treasurer, and the officer paying over the same shall take the Treasurer's duplicate receipt therefor one of which shall be deposited with the Mayor.

SEC 18th In all prosecutions for fines or penalty, when the defendant shall be acquitted, the informer or prosecutor may in the discretion of the Magistrate or Justice be adjudged to pay the cost; if it appears to the satisfaction of the Magistrate or Justice that the prosecution was ~~instituted~~ instituted vexatiously or without reasonable cause.

SEC 19th Small Suits and prosecutions commenced by the Town before the Police Magistrate if one be appointed no change of venue shall lie but when there be no other Magistrate, and such suits or prosecutions be commenced before the Justice of the Peace.

Change of venue shall be had and allowed, and may be taken in the same manner, and for like causes as or now provided in the General laws of Colorado for change of venue in suits pending before Justice of the Peace and the party applying for change of venue shall pay all cost accruing up to the time such change is applied for, and thereupon the Justice shall immediately transmit all papers pertaining to the case together with transcript of his docket to the nearest Justice of the Peace who shall proceed as if such suit had been instituted before him

SEC²⁰ " Whenever any credible person shall give information to the Town Marshal that any person has violated any ordinance of the Town, it shall be the duty of the Marshal thereupon to make complaint before the Police Magistrate if there be one. If there be no such Magistrate then before any Justice of the Peace residing within the Town limits for a violation of such ordinance, said complaint and proceedings had thereon by the Magistrate or Justice shall be the same as in this ordinance prescribed for other cases.

SEC²¹ " Any Complaint made for the violation of an ordinance of the Town of Grand Junction may be made upon information and belief.

Approved Sept. 25th A.D. 1882

Charles F. Shanker
 P. H. Westmorland *clerk*
 Clerk and Recorder.
