

Ordinance No. 117

Concerning proceedings before the Police magistrate, Fines and Penalties.  
Be it ordained by the Board of Trustees of the Incorporated town of  
Las Animas, Colorado.

Section 1.

That when any person arrested on view of the Mayor, town Marshal, or other officer authorized by law for violation of any town ordinance, is brought before the police magistrate for examination, a written complaint shall be filed with the police magistrate, signed and sworn to by one of the foregoing said officers or any credible person, containing the number and title of the ordinance, and the number of the section alleged to have been violated and thereupon the police magistrate shall proceed with the examination of the party so charged.

Section 2

No person charged with violating an ordinance shall be discharged on account of any informality or defect in form of the summons, warrant, complaint or manner of procedure.

Ord  
117  
192

Section 3

Any person arrested by virtue of a warrant for violation of any ordinance of the town of Las Animas, may be permitted to bail by executing a Bond in double the amount of the penalty for the offense charged conditioned that he appear on a day mentioned before the police magistrate and not depart the Court without leave, which bond shall be approved and filed by the police magistrate.

## Section 4

If the defendant fail to appear according to the conditions of the Bond as afore said, or appearing shall depart the Court without leave, the police magistrate shall declare the bond forfeited and thereupon proceedings shall be instituted in a Court of Competent Jurisdiction, in the name of the town of Las Animas, for the recovery of the penalty of the Bond. ✓

## Section 5

When any defendant duly summoned or admitted to bail fails to appear at the time his case is made returnable or set for trial the Police magistrate may hear and examine the testimony offered on the part of the town and thereupon render Judgment by default for such amount under the ordinance of the town as he may deem Just.

## Section 6

Any person committed to jail in default of the payment of any fine or penalty, imposed by the police magistrate shall be required to work for the town at such work as may be required at the rate of two dollars per day eight hours each day, until the fine, penalty or forfeiture and costs assessed therewith shall be fully paid. }

## Section 7

That in all cases tried for the violation of ordinances of the town, the police magistrate court shall tax as costs the fees as are charged by Justices of the Peace in similar cases; provided that in no case shall the town be liable for costs of defendants; witness nor in cases where the Judgment shall be rendered against the town.

## Section 8

All fines, forfeitures and penalties for breach of any ordinance of the town of Las Animas, shall as soon as collected be paid to the town treasurer and the officer paying the same shall take the treasurer's duplicate receipt therefor one of which shall be delivered to the Clerk and Recorder. The Clerk and Recorder shall keep an account of the moneys thus paid the treasurer.

## Section 9

In all cases for fine or penalty when the defendant shall be acquitted, the informer or prosecutor may, in the discretion the police magistrate, be adjudged to pay the costs, if it appears to the satisfaction of the police magistrate that the prosecution was instigated vexatiously, maliciously, or without reasonable cause.

## Section 10

In all cases arising under the ordinances of the town of Las Animas there shall be allowed him the same fees as are allowed by law for Justices of the Peace, jurors shall be entitled to receive for their services the same fee as are allowed by law for Justices of the Peace Court. Fee

## Section 11

In the absence or disability of the police magistrate to serve, any Justice of the Peace within said town shall have power to hear try and determine all cases in the same manner as the Police magistrate would if present.

## Section 12

After the rendition of Judgment, execution may be issued at any time, and if the same be returned unsatisfied out of the goods and chattels of the defendant, the police magistrate shall forth with issue a warrant of commitment according to the terms of the Judgment entered. }

## Section 13

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Ord 117  
193

Section 14

This ordinance shall take effect five days after its publication in the Bent County Democrat, the official paper of the town of Las Animas.

Note;

Passed at a regular meeting of the Board of Trustees of the incorporated town of Las Animas, a majority of the whole number of the members elected to said Board concurring by the following vote, Yeas: Geo. E. McCauley, Wm. B. Peart, Wm. H. Stone, T. H. Marshall, Nays: None.

April 1, 1896

Attest:

H. J. Jacquart

Recorder.

Approved

W. H. Stone

Mayor Pro-Tem

QUILL  
Co. Est.  
© 80 Simple, TM