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### Justice of the Peace and Police Magistrate Courts in the City of Charleston, Illinois

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SOCIAL SCIENCE 464

JUSTICE OF THE PEACE AND POLICE  
MAGISTRATE COURTS IN THE CITY OF  
CHARLESTON, ILLINOIS

by

HERMAN MONTS

## OUTLINE

### Some aspects of the Justice of the Peace and Police Magistrate Courts in the City of Charleston, Illinois

- I. Illinois Statutes pertaining to these offices
  
- II. Cases in these Courts during 1954
  - A. Nature of complaint
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- III. Personnel of these Courts
  - the
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    1. Election
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THE JUSTICE OF PEACE AND POLICE  
MAGISTRATE COURTS IN THE CITY OF  
CHARLESTON, ILLINOIS

I chose this subject because of a personal experience growing out of a traffic violation.

I, like most people, until I came into direct contact with the administration of local justice, held the opinion that our police officers were men trained in the matters pertaining to their office and possessed in their character the essential virtues of truthfulness and honesty; that the city attorney, a man schooled in law and licensed by the state to practice in that field, was primarily interested in seeing justice obtained in our courts and would "protect the innocent as well as prosecute the guilty"; and the judges of our courts were impartial in their decisions, men of learning and wisdom. After three trials, (in 1955) in the local justice of the peace courts, I have altered my viewpoint considerably. An account of these hearings is given elsewhere in this paper.

The office of justice of the peace was transplanted from England to the Colonies and it is an old institution, being mentioned during the reign of Edward III. The justice of peace was then appointed by the Crown from landowners, who served without salary. The executive and judicial powers of the office rapidly increased as the duties of sheriff, coroner, constable, and shire courts were lessened and transferred to the justice of peace courts. The quarter sessions of the justices became the main judicial court,

replacing the old manorial court and shire court; in addition to judicial functions the justices at their quarter sessions also constituted the fiscal board of the shire (county), which assessed, levied and managed the expenditures of county funds and maintained county roads and bridges, prisons and public buildings.<sup>1</sup>

Under the Tudor period of the fifteenth and sixteenth centuries the authority of the justices increased and they had charge of preliminary investigations in criminal cases of all kinds. In the field of administration they were given control over a large amount of statutory police legislation, including laws against vagabonds and beggars; the regulation of wages; apprenticeship and prices, licensing beer-houses; and after the Reformation, administration of ecclesiastical laws against papists and nonconformists. The justice of the peace office was also given powers of supervision over the newly established parish system, in police matters, poor relief, highways and local taxation. These, with their former powers, gave the justice a position in government best described as "the state's man-of-all-work."<sup>2</sup>

Such were the powers and duties of the justice of the peace office at the time the colonies in America were established. However, in the development of town government in the New England colonies, the justice of peace office was shorn of many of its powers which were in practice in England. Their administrative powers and legislative

1. County Government and Administration,  
John A. Fairlie, P. 6
2. IBID - P. 7

powers were largely taken over by the selectmen and the justices were named as an inferior court of common pleas, being below the newly created county court, as they are to-day.<sup>3</sup>

The Illinois Constitutions of 1818, 1848, and 1870 adopted the office of justice of/peace, but did not define its powers and duties. In adopting the office, these constitutions reconized its ancient functions, and left to the legislature the outlining of its powers and duties. The jurisdiction of the justice of the peace and police magistrates is the same, but the offices are separate, for the first in a town officer and the latter is a city or vil- lage officer. I will mention here, that neither is a court of record.<sup>4</sup>

Justices of the peace are elected for a term of four years at the time of the regular town election, for those counties under township organization, as is Coles County. There shall be a minimum of two justices of the peace and two constables, and an additional justice of/peace and constable for each one thousand inhabitants over two thousand, provided there shall be no more than five elected in any such town, (Chicago excluded). Justices of the peace commence their term of office, in Counties under township organization, on the twentieth day after their election.<sup>5</sup>

Justices of the peace have jurisdiction intheir respective counties in the following actions, when the amount claimed does

3. American City Government and Administration, Austin F. MacDonald, PP 40-47.

4. Smith-Hurd Ann. St. Chapter 79, P. 380

5. Ill. Rev. Stat. 1955, Ch. 79, P. 2418

not exceed five hundred dollars.

1. Arising on contracts, whether under seal or not, express or implied, for the recovery of money only.
2. For damages for injury to personal property and real property, or for taking or detaining personal property.
3. For rent and distress for rent.
4. Against railroad companies and any person or company controlling, operating or using any railroad, for killing or injuring horses, cattle, sheep, hogs or other stock; for loss of or injury to baggage or freight; and for injury or damage to real or personal property, caused by setting fire to the same by their engines, or otherwise.
5. Of replevin, when the value of the property claimed does not exceed five hundred dollars.
6. For damages for fraud in the sale, purchase or exchange of personal property, and where the action of debt or assumpsit (promise) lies. This section applies to claims originally exceeding five hundred dollars, if the same, at the time of rendition of the judgment, is reduced by credits or deductions, to an amount not exceeding five hundred dollars.
7. Arising under the laws for the incorporation of Cities, towns, and villages, or any ordinance passed in pursuance thereof.
8. Arising under the law in relation to dramshops.
9. For the recovery of statutory fines and penalties.
10. By and against incorporated towns, cities, villages or other municipal corporations, which, if brought by an individual, might be brought before a justice of the peace.
11. To assess damages for sheep killed by dogs.
12. Of forcible entry and detainer.
13. For trespass or trespass on the case.<sup>6</sup>

6. Smith-Hurd Ann. Ch. - 79, Sec. 16

In Criminal cases, justices of the peace have original jurisdiction in all cases of misdemeanor, when the punishment does not exceed a fine of five hundred dollars, and imprisonment in the county jail for 1 year.<sup>7</sup>

In the legislative act of 1895, the monetary limit was \$200.00 and this amount was increased in 1917 to \$300.00; in 1929 to \$500.00 in civil cases, and, changed to \$500.00 in criminal cases in 1955. It may be that the legislature is increasing the jurisdiction of the justice of the peace courts by this action, while at the present time, the "Judicial Reform Act" (which will come before the Illinois voters in the fall of 1958, and has the support of the Illinois Bar Association), contains provisions to abolish the office of the peace and absorb this court in a single County Court system.

The increase, particularly in civil cases, may be <sup>due</sup> done to the decreasing value of the dollar and the legislature's aim was to keep the area jurisdiction of the justice of <sup>the</sup> peace courts from shrinking as the value of the dollar lessened.

It is interesting to note that, "a justice of the peace is not liable for damages for any error or irregularity in the performance of his duties within the scope of his jurisdiction, but a justice, even though he is acting within scope of his jurisdiction, is liable, both civilly and criminally, if he has acted maliciously and corruptly in performance of his duties or has

7. Ibid - Sec. 165



falsified his records."<sup>8</sup>

Other than in the items already mentioned, the justice of the peace courts also differ from other courts in the areas of change of venue and in the number necessary to constitute a jury. On an appeal from this court to the County or Circuit Courts, the records are transferred from the justice of/ peace to the clerk or higher court, but the action begins in the higher court without reference to the hearing that was held in the justice of the peace court (trial de novo). In the area of procedure, as in the issuance of warrants, summons and in the conduct of hearings and trials, the justice of/ peace court is similar to the County Court. The constable is the police officer of the justice of peace court.<sup>9</sup>

For this paper, I made my check of cases in justice of/ peace courts for the year 1954 only. I had planned in the beginning to also include the years 1955 and 1956, but the lack of time and the difficulty met in finding the records has necessarily limited my statistics to one year.

The police magistrate in 1954 was Mr. Harry Densmore. The justices of the peace at that time were as follows:

Mr. Sam H. Wilkins  
Mr. Orr Burgner  
Mr. Clifford Replegle  
Mr. A. B. Armstrong  
Mr. Ward Allen

the constables were:

8. Smith-Hurd Ann. Ch. 79, Sec. 16-1955

Author's note: This is perhaps one time in which "ignorance of the law" is legally recognized as an excuse for error in legal matters.

9. Ill. Rev. Stat. 1955 - Ch. 79

Mr. H. S. McIntyre  
Mr. Ed Warpenburg  
Mr. Anson Witters  
Mr. Orla Jack  
Mr. Delbert Hays

the City Attorney was Mr. J. Elwood Popham.

Most (over 90%) of the cases held in these courts were in the  
the  
police magistrates' court and in the justice of/ peace courts of Mr.  
Wilkins and Mr. Burgner.

The following chart shows the number and kind and disposition of  
cases found in those three respective criminal dockets during the  
calendar year 1954.

<u>CHARGES</u>	<u>MR. BURGNER</u>	<u>MR. WILKINS</u>	<u>MR. DENSMORE</u>	<u>TOTAL</u>
No auto state license	1			1
Armed Robbery	2			2
Bogus check	3		2	5
Embezzlement	1			1
Petty larceny	1			1
Auto safety sticker	6			6
Illegal muffler	6			6
Violation - Stop sign	8	1	4	13
Assault	5	1		6
Non support	2		1	3
Taking auto without consent	1			1
Following too close to auto	1			1
Speeding	13			13
Illegal parking	8	1	18	27
Drunkenness	4	1		5
Other traffic violations	13	4	6	23
Disorderly conduct	6	1	14	21
Confidence game	1			1
Receiving stolen property	2	2		4
Grand larceny	4			4
Malicious mischief	2			2
Hit and run	1			1
Forgery	4			4
Bastardy	1			1
Drunken driving	3	1	7	11
Disturbing peace	3		21	24
Reckless driving	1		9	10
Vagrancy - drunkenness		1	1	2

Drunk & disorderly conduct	2		55	57
Assault & battery			10	10
No City Wheel Tax Sticker	2		18	20
Vagrancy			4	4
Open lewdness			3	3
Speeding and reckless driving			4	4
No drivers license	1		3	4
Transporting liquor with seal broken			4	4
Attempted robbery			1	1
Selling Liquor to minor			2	2
Driving in reckless manner			19	19
Threatening to kill			1	1
			<hr/>	
TOTAL	107	13	205	325

DISPOSITION OF ABOVE CASES

1. Plead guilty and fined	69	10	154	
2. Held under bond (for grand jury or higher court)	15		10	
3. Held over and jailed for lack of bond	12		8	
4. To State Farm (Vandalia 6 months)	1	1	11	
5. Plea of guilty & jailed for failure to pay fine	2		13	
6. Change of Venue	3	2	5	
7. Plea of not guilty	3	2	2	
8. Dismissed & City pay costs			2	
9. Dismissed by plaintiff	2	2		<u>10</u>

Mr. Wilkins had no civil cases in 1954 and I have been unable to locate Mr. Burgner's civil docket, although most of the civil cases were filed in his court, according to the other judges. Both Wilkins and Densmore reported that they discouraged civil cases in coming to their courts because "there wasn't any money in them."

Mr. Densmore and Mr. Burgner are no longer in office (their terms ending in May, 1957) and their record books are supposed to be turned into the Coles County Clerk. However, none of Mr. Burgner's civil cases could be found and the County Clerk said he didn't know where they were. A subsequent check with Mr. Burgner

10. Criminal dockets of ORR BURGNER, 1954 - Coles County Clerk's Office  
 Criminal docket of Justice of peace S. H. WILKINS, 1954 in his possession  
 Criminal docket, 1954, Police Magistrate, Harry Densmore, 1208 Jackson St., Charleston

disclosed that he had turned them into that office. The County Clerk also did not know where Mr. Densmore's books were, saying to me "I suppose some of the present justices of the peace or the police magistrate has them." After checking with the justices I learned that Mr. Densmore still had all of his books and I checked them at his home.

As the City of Charleston does not provide an office for the police magistrate, he, as well as, the justices of the peace have their offices in their homes. I strongly urge the reader of this paper to visit the court of justice S. H. Wilkins, for I believe it to be an outstanding reason, or example, why one should lend his support to the judicial reform act in the State of Illinois.

From the figures shown in the chart it appears that a total of 325 cases came before those three courts in 1954. By eliminating the cases (45) over which the justice of<sup>the</sup>/peace courts have no jurisdiction (line 2 and 3), we find that 248 (line 1 and 5) plead guilty and were fined, out of a total of 280. Of the remaining 32 cases, 13 (line 4) were sentenced to the State Farm at Vandalia, Illinois, after entering guilty pleas. To have 261 guilty pleas out of a total of 280 complaints would lead one to believe that the complaints and arrests made by our local police force were well justified. But this inference cannot be drawn because of one important fact, one that places the defendant (and also the cause of justice) under a severe handicap, and that fact being, as a practical matter, less costly to the defendant to plead guilty and pay a fine and costs than to plead not guilty and request a trial.

My own arrest and trial will serve as an example. In February, 1955, I was arrested by three city police officers and charged with running a stop sign at the intersection of 4th and Polk Streets in Charleston, Illinois. This occurred about 8:00 P.M., (after dark) while I was travelling north on 4th alone. The stop sign protecting this intersection of 4th and Polk Streets is located on the east side of 4th and 62 feet south of Polk Street curbing. The officers were concealed from my view by stationing themselves on the west side of a vacant filling station located on the southwest corner of the intersection. They whistled, I stopped, and a ticket was issued for running the stop sign, which I had done. But I had not yet reached the intersection, being about a car length in front of the stop sign when stopped.

After conferring with counsel that same evening, I appeared as directed, to the police headquarters the next morning and entered a plea of not guilty and requested a trial by jury. Justice of the peace S. E. Wilkins was holding court in the police office that morning. The next week a trial was held in the County Court room of the court house, six jurors (one of whom later was discovered to be a constable) were present and accepted. Justice Wilkins presiding and the City Attorney prosecuting and the three policemen present as witnesses. I was ably represented by my friend and neighbor, Attorney Mervin L. Beil. My lawyer pointed out that it was no violation in itself to not stop at a stop sign; the line of the cross walk being the place where automobiles were

to stop before entering the intersection. The testimony of the arresting officers had placed my vehicle, at the time of arrest, about thirty feet south of the intersection. The City Attorney moved for a mistrial, which was granted by the justice of the peace and a new trial date set, (February 25, 1955).

For the second hearing, the complaint was changed from running a stop sign, to running the intersection (a falsehood of the first water). This trial was opened in the City Hall with the same justice of<sup>the</sup> peace and a new jury. The six jurors being five elderly women, of whom only one operated an automobile, and the sixth an elderly man who did not drive. The constable immediately demanded that I pay the jurors, to which my attorney objected, saying this matter came under criminal procedure rather than as a civil case. After the constable, in a somewhat heated matter, advised the jurors that "I was supposed to pay them and refused, it looked as though they might not get paid," my attorney then asked for a change of venue on the grounds that the above statements had prejudiced the jury.

The judge withheld granting a change of venue until my attorney pointed out that refusal to do so would result in a fifty dollar fine against the judge.

The case was heard in justice of<sup>the</sup> peace Orr Burgner's court April 14, 1955, by six jurors. The City Attorney had the intersection surveyed and mapped, and also photographs taken. As I had no witness, the case depended upon my testimony against that

of two police officers, testifying in uniform. (The third officer not appearing after the first trial). The officers gave their testimony without the other being allowed in the courtroom and they gave conflicting evidence. It was obvious that one had to be lying and the jury returned a not guilty verdict.<sup>11</sup>

Why would the City Attorney change the complaint after the first hearing? Why did the two officers change their testimony? Why did they appear in court in uniform on their day off duty? Why did the City Attorney advise me, between the first and second hearings to plead guilty and pay a fine of \$11.40? A correct answer to these questions is impossible, but my firm conviction is that the public officials involved did not want to admit they were in error in filing the first complaint, and the whole justice the of/ peace courts operate on fees, which are less costly on a guilty plea by the defendant than having a hearing and paying an attorney a fee if found not guilty, or if found guilty the fine, costs and attorney fees. About two and one half days of my time and that of an attorney were used in these hearings, with reasonable attorney fees of between \$50.00 and \$75.00. The cost to the city amounting to over \$100.00, most of which would have been shifted to me had I been found guilty.

A case illustrating ignorance and obstinacy on part of a police magistrate is, People of The State of Illinois vs. Harry Densmore.<sup>12</sup>

11. See Criminal Docket of Justice of/ Peace S. H. Wilkins of February, 1955, and docket of Justice of/ Peace Orr Burgner of April 14, 1955.

12. Criminal docket of Justice of/ Peace Orr Burgner, 9-1-53, Coles County Clerk's Office and Book 19, Page 36, Docket #2274 of Coles County Court Docket, Coles County Clerk's Office.

Police Magistrate Harry Densmore had issued a garnishment against Lawrence Closson without first obtaining a judgment against him. Closson's attorney telephoned the Police Magistrate, advising him of the illegal procedure and requesting the police magistrate to withdraw the attachment of Mr. Closson's weekly pay check. When the magistrate refused, a warrant was issued in justice of peace S. H. Wilkins court for the arrest of the police magistrate. He plead not guilty to the charge of "causing garnishment without a judgment" and posted a bond of \$200.00. A change of venue was requested by the defendant and the case was transferred to the Justice of <sup>the</sup> Peace Court of Orr Burgner where on September 22, 1953, case dismissed as plaintiff did not appear. However, the State's Attorney's Office had been notified and an information filed in the Coles County Court on October 26, 1953, and defendant, Mr. Densmore, appeared in court the next day and entered a plea of not guilty, posted bond, and trial date set for January 26, 1954. Later the trial date was continued to February 8, 1954. On that date the defendant changed his plea to guilty and was fined \$25.00.

Now let us look at some of the personnel associated with these lower courts.

During my interview with Justice S. H. Wilkins, I learned that he was now starting his third term of office (each 4 years) and was 78 years old. He was born in Douglas County and came to Charleston, Illinois, in 1907. He had been a real estate agent, a State Policeman under the governorship of Len Small and a Store Keeper at the Alton, Illinois State Hospital. Prior to being



elected a justice of the peace, he was a member of the local fire department. His statement that he had graduated from high school, I suspect, after seeing his records and hearing his conversation. His office, like a statement attributed to A. Lincoln in describing a fellow attorney's assets reported, that in his office, "in one corner is a large rat hole and will bear looking into."

Mr. Wilkins advised that the former justice fee for filing a case of \$3.00 was now \$5.00 and the trial fees are \$3.00, making the minimum justice of<sup>the</sup> peace costs for a trial \$8.00. The justice also receives a fee of \$1.00 for the issuance of all writs and notices, except an issuance of subpoena, for which a fee of \$0.50 is allowed.

I also held an interview with Mr. Densmore, who was police magistrate from May, 1953 to May, 1957. Mr. Densmore is now eighty five years old and somewhat incapacitated from the effects of cerebral hemorrhage. He reported that he was born in Oklahoma and came to Coles County, Illinois, in 1915. He had a high school education and was a travelling salesman (a drummer) for International Harvester Company. He had been clerk of the City Court of Charleston for 12 years and a constable for one term before being elected police magistrate. He mentioned that he enjoyed being police magistrate and that "there was good money in it."

In Coles County there are five justices of the peace, one police magistrate, and five constables, elected every four years at the regular town (township) election, the last one being in April, 1957 and these officers begin their term on the twentieth

day after their election.<sup>13</sup>

No qualifications of candidates is mentioned in the Statutes other than after election they must take an oath of office and post a bond with the County Clerk.

In addition to their duties and powers already mentioned, the justice of/ peace may perform marriages, administer oaths of office, and as members of the town board pass on (vote) the payment of bills of the town, levy taxes, set salary of some of the town officers, and until 1956, were the auditors of the Town Books.

The justices of the peace have a state association, which serves as their union. I judge from my interviews that the association of justices of the peace is much opposed to the Judicial Reform Act and being politicians and in every County in the State of Illinois, the justices of the peace and police magistrates probably can bring considerable pressure, through the township and county organizations, to the polls when this matter is voted on. I can easily believe they do not propose to set idly by while their offices are to be abolished by the Judicial Reform Amendment.

The police force in Charleston consists of a seven man force. The Chief is a fellow sixty four years old, who was a patrolman in Charleston from 1936 to 1940 at a salary of \$90.00 per month. Three men were the entire personnel at that time, each working a twelve hour shift, seven days a week. In 1938 a fourth man was employed

13. Ill. Rev. Stat. Ch. 79

and the shifts rotated and a day off obtained. In 1940, the City Administration changed and Patrolman Bryant was no longer a policeman. He then worked as a guard at the Ford plant in Harvey, Illinois, and came back to Charleston in 1945 as Chief of Policeman, as he is now. Since 1945 the members have been on a 48 hour week and have one weeks paid vacation after the first year of employment and from then on, 2 weeks. In 1955 the minimum wage law affecting policemen and firemen was passed by the State Legislative and placing a minimum salary of \$300.00 per month.

One member of the department is in charge of the parking meters, and one is off duty each weekday, with three having their day off on Sunday. The regular shifts are 6:00 A.M. to 2:00 P.M., 2:00 P.M. to 10:00 P.M., and 10:00 P.M. to 6:00 A.M.

The present members and length of employment are:

Chief Hiram Bryant	16 years
Patrolman Ross Davis	4 years
Patrolman Leo Carter	4 years
Patrolman Max McKee	Less than 1 year
Patrolman Paul Baines	1 year
Patrolman Dwight Walker	8 years
Assistant Chief Logan Cox	11 years

Chief Bryant advised me that new members are chosen by the Police and Fireman Board after formal application (See Appendix C) and examination. The new members receive their training supervision by the Chief and work for a month or so with an experienced man.

Although not a member of the police force, a merchant policeman, Mr. Larb Carter, is employed by the Merchants as a night watchman for their business houses. He assists members of the City

force in their duties when requested.

The Chief reports that he conducts a staff meeting once a month at which the problems and general policy for policing the town are discussed. A daily report is kept on his desk of all calls, arrests, etc., made by each officer during the day. (Photostatic copies Appendix A). In connection with all arrests a 4 x 6 card is filled out by the arresting officer and filed at the office. A sample card is attached at the end of this paper (Appendix B).

The patrol car, according to Mr. Bryant, is purchased by funds obtained from the police and fire department securing a circus to perform in the city and selling tickets.<sup>14</sup>

The City pays for its maintenance, and recently a two way radio was installed. I question the usefulness and need for this communication system because many hours of the day there is no one in the office to receive or send a message. Telephone calls to the police station during the time no one is there are answered by means of telephone extension to the Fire Department. Also at the Fire Department is a radio unit by which contact with the patrol car can be maintained.

Very little patrolling is done. The department head checks the mileage each morning and anything like 25 miles of driving during the night is heavily discouraged. About 1700 miles a

14. Author's note: A very commendable activity, but it seems to me several years have elapsed since the last circus and the patrol car now in use is a 1957 Ford.

I have, from a reliable source, information that a local auto dealer has furnished the last two patrol autos to the City at no cost.

month is the average total mileage on the car. Well over half of this is obtained from driving members of the force to and from work and from attending fires and funerals, along with requested calls. As the City is 2 miles square, and 8-10 miles is the average night mileage, this would provide for one patrol in 12 hours around the city perimeter. With a two way radio there is no reason why an almost continuous patrol could not be maintained. If the patrol car is to be stationed in front of the police department most of the time, why the need of two way communication?<sup>15</sup>

In addition to patrolling the City, the department handles traffic problems, assists at funeral processions, disposes of stray dogs and dead animals in the City, patrol school crossings and attend all fires.

Mr. Bryant came to Coles County from Morgan County, Kentucky in 1920, and was employed as a farm hand until he became appointed as a policeman in 1936. He stated that he graduated from High School in Hazel Green, Kentucky, and was reared in typical eastern Kentucky fashion.<sup>16</sup>

Another important City Office operating in connection with the justice of <sup>the</sup> peace courts is that of City Attorney. The duties of this office consist, in part, of advising the City Council,

15. This information is from a very reliable source, which the Author agreed not to mention, due to the nature of the material.

16. Information obtained from interview with Mr. Bryant, July 20, 1957.

Author's Note: If the statement as to his formal education is correct, the composition of his reports (See Appendix A), most certainly casts serious reflection upon the academic standards of the High School at Hazel Green, Kentucky.

drafting of ordinances, and representing the interests of the City in law suits. The latter being in the main, in justice courts for violation of city ordinances, but may be in County or Circuit Court upon appeal. Tax objections and zoning board violation are held in Circuit Court. The City attorney is appointed by the City Council and serves at their pleasure. At the time, 1954, of the cases taken from the justice of the peace dockets, Mr. J. Elwood Popham was City Attorney. He resigned from this office June, 1957. The present City Attorney, Mr. Harwood, is the former State's Attorney. Mr. Popham graduated from the College of Law at the University of Illinois, in 1952, and became City Attorney at Charleston in 1953.<sup>17</sup> The salary is \$100.00 per month, and generally new attorneys are given this office as they have ample time to look after the city's affairs. Being restricted in advertising, the work not only brings experience, but provides publicity too.

I shall make mention here, only the duties of the State's  
the  
Attorney as they pertain to the justice of/peace courts.

The State's Attorney appears in justice of/peace and police  
the  
magistrate courts only on those criminal cases involving the laws of the State of Illinois and in which the People of the State are a party. This generally means those arrests made and brought before a justice of the peace for posting of bond for appearance at a later date in County or Circuit Court. The nature of the case being such that it cannot be tried in a Justice Court.<sup>18</sup>

17. Interview with Mr. Popham, 7-13-57

18. Interview with State's Attorney, Tom Burke, 7-6-57

In conclusion I would like to review the following points:

FIRST, that in a college town of between 8 and 10 thousand population one would be justified in assuming the personnel of the police department and justice of/ peace courts to probably be on a higher educational, economic, and character level than in a non-college town. In the local case this assumption is false.

SECOND, the Justice of/ Peace Courts are a disgrace to our judicial system, and held in low opinion not only by the legal profession, but by the public in general. There is no dignity to the office anymore, and being a "fee office" and also not a court of record, has greatly contributed to its judicial decay.

THIRD, the primary reason that these courts were established no longer exists. Before the days of a rapid transit the need for a local justice of/ peace within a few miles in each township served a very necessary purpose. It was an office of honor and held by men who did not depend upon the fees for their livelihood. The other purposes for which these courts were established i.e., immediate hearings and low costs (a lawyer not being necessary) have also disappeared.

FOURTH, the Judicial Reform Act coming before the Illinois voters in November 1958 contains provisions that should greatly improve our court system on the local level. It makes provision for a consolidated court system within the County and State. In the County, only the circuit court will remain; the county court, city court, justice of/ peace and police magistrate courts will all be absorbed within it. A chief justice, associate judges,

and magistrates are the administrative officers, with each being required to hold a license to practice law in Illinois.

The Act will lessen the waste and expense of retrials now necessary in cases appealed from present 'non-record' courts, and will maintain in each county one branch of the Circuit Court continuously in session to handle all types of cases.<sup>19</sup>

It also provides for many other changes that are not of importance to this paper.

19. State Bar Association Pamphlet Entitled "Proposed Judicial Article - - - - -" Sept. 15, 1956



# APPENDIX B

Name				Whi.	or Col.
Residence					
Soc. Sec. No.	Street and No.	City		State	
Age	Weight	Height	Eyes	Hair	
Marks and Scars			Complexion		
Birthplace		Yr.	Mo.	Day	
Married	Occupation				
Offense					
Arresting Officer			What Court		
Date Committed			Date Released		
Disposition of Case					

/

APPENDIX B

# APPLICATION

Charleston, Ill., ....., 19.....

TO THE BOARD OF FIRE AND POLICE COMMISSIONERS:

I hereby apply for appointment as ..... in the .....  
Department of the City of Charleston, Ill.

(NOTE: Application cannot be accepted unless completely filled out. All statements in this application are made under oath. Any false statement by the applicant is sufficient cause for rejection of the applicant, or the discharge of the employe after appointment. ALL ANSWERS MUST BE WRITTEN IN INK AND IN APPLICANT'S OWN HANDWRITING.)

1. Name ..... Telephone No.....  
(Last Name) (First Name) (Middle Name or Initial)
2. Address ..... Charleston, Illinois
3. Are you a citizen of the United States?..... (If a naturalized citizen your certificate of naturalization must accompany this application.)
4. Your residence in Charleston has been continuous since? .....
5. How long have you been a registered voter in Charleston? .....
6. Were you ever in the U. S. Military or Naval Service?..... Were you honorably discharged? .....
- (Yes or No) (Yes or No)
7. Age..... Date of Birth ..... (Certificate of birth or proof of age must  
(Month) (Day) (Year) accompany this application.)
8. Place of Birth ..... Male or Female .....
9. What is your height?..... feet..... inches. Weight..... pounds
10. Are you married, single or divorced?..... Number of children.....
11. Do you usually enjoy good health?..... Have you any physical infirmity or deformity  
that would in any way prevent you from the full discharge of the duties of the position to which  
you seek employment? ..... Explain .....
- .....
- .....
12. Do you use intoxicating beverages?..... Explain .....
13. Present occupation ..... Employer .....
14. When will you be ready to accept appointment, if offered? .....
15. Have you filed an application for examination for this position before?.....  
When?.....

16. Have you ever been discharged from a position?.....If so, why?.....

17. Have you ever been convicted of a violation of any criminal law or ordinance? .....

If so, when.....(Full explanation must accompany application.)

18. Have you ever furnished a fidelity or surety bond?..... If so, give names of sureties

19. Give the names of five reliable persons to whom the Board can refer, who are familiar with your qualifications and character to give information about you. These in addition to those furnishing signed statements.

NAME	PRESENT ADDRESS	OCCUPATION

20. Education :

SCHOOLS	NAME AND LOCATION	Length of Course	Highest Grade Completed or Credit or Degree	Date of Graduation
Grade School				
High School				
Trade School or Business College				
College or University				
Correspondence Course				
And Other Training				

21. Give employment for the past five years. (If unemployed, so state and show reason why; such as: student at school, illness, unable to find employment, service in the armed forces of the United States, etc.)

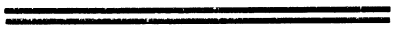
Year	FIRM OR EMPLOYER	Location	Position or Kind of Work	Time in Months
19				
19				
19				
19				
19				

22. Experience: State all the experience you have had in line of the position which you seek.....

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

23. Do you have any training, knowledge or experience, not asked for above, which, in your opinion, would aid you in performing the duties of the position for which you are applying?.....

.....  
.....  
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.....  
.....  
.....  
.....  
.....



**OATH**

This oath must be taken before a notary or other officer authorized to administer oaths.

STATE OF ILLINOIS, }  
COLES COUNTY, } ss.

....., being duly sworn, says that the several answers and statements in this application are true to the best of his knowledge and belief. — —

(Signature of Applicant).....

Subscribed and sworn to before me by said applicant on this..... day of..... 19.....

(Signature of Officer).....

Notary Public or

(SEAL)

My commission expires....., 19.....

# INSTRUCTIONS TO APPLICANT



This application together with Physical Examination, must be filed with the Secretary of the Board three days prior to date of examination.

This application must be accompanied by statements from not less than three citizens of Charleston personally acquainted with applicant as to moral character and habits and that said statement may be made public.

Age of entry to Fire Department not less than 21 years and not more than 40 years.

Minimum height for entry for entry to Fire Department: 5 feet 7 inches.

Age of entry to Police Department not less than 21 years and not more than 45 years.

Minimum height for entry to Police Department: 5 feet 8 inches.



.....

Date application was filed.....

Result of Physical Examination..... Grade .....

Result of Written Examination ..... Grade .....

Result of Oral Examination ..... Grade .....

Average.....

Date placed on eligible list.....

Date rejected .....

Attest:....., Secy.  
BOARD OF FIRE AND POLICE COMMISSIONERS

Appointed to Service .....

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- Wilkins, S. H. - Criminal Docket 1954