

**MUNICIPAL COURT OF CHICAGO
ACT**

1906 ILL. LAWS. 157

tendent to such parole or release shall be filed. The court may, however, in its discretion cause such child to be proceeded against in accordance with the laws that may be in force governing the commission of crime.

§ 10. TRANSFER FROM JUSTICE AND POLICE MAGISTRATES.] When in any county where a court is held as provided in section 3 of this act, a male child under the age of seventeen years or a female child under the age of eighteen years is arrested with or without warrant such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before such court, and, in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

§ 20. Nothing in this act shall be construed to repeal any portion of the act to aid industrial schools for girls, the act to provide for an aid training school for boys, the act to establish the Illinois State Reformatory, or the act to provide for a State Home for Juvenile Female Offenders, and in all commitments to said institutions, the acts in reference to said institutions may govern the same, except that in commitments to the State Home for Juvenile Female Offenders at Geneva, Illinois, either this act or the acts in reference to said institution shall govern the same and in all proceedings and papers, said institution may be designated as a "State Training School for Girls," and such designation shall be taken and held to have the same legal effect as if the name "State Home for Juvenile Female Offenders" were used therein.

APPROVED May 16, 1905.

MUNICIPAL COURT OF CHICAGO.

- | | |
|--|--|
| § 1. Style of court prescribed. | § 27. Criminal cases—how prosecuted by information. |
| § 2. Jurisdiction of court—all cases classified. | § 28. Cases of 1st class—how commenced and prosecuted—exceptions. |
| § 3. Forms and pleadings in different classes of cases. | § 29. Cases of 4th and 5th classes—how brought and prosecuted. |
| § 4. Court to be held in five districts—boundaries of districts prescribed—additions to number and change of boundaries provided for. | § 30. Cases tried without jury. |
| § 5. When court shall be held. | § 31. Trial by jury—challenge of jurors—examination of jurors. |
| § 6. Seals—payment for same. | § 32. Interrogatories in civil actions. |
| § 7. Books and stationery—how furnished. | § 33. Testimony of parties in interest. |
| § 8. Number of judges—duties of presiding judge—duties of chief justice—duties of associate judge—vacations—branch court, first district—monthly meetings—salaries fixed—how paid. | § 34. Change of venue. |
| § 9. Election of judges—terms of office—vacancies. | § 35. Orders of court—where signed. |
| § 10. Eligibility to judgeship. | § 36. Court calendars. |
| § 11. Form of oath where filed. | § 37. Charges to jury may be oral or written. |
| § 12. Number of judges—how increased. | § 38. Bill of exceptions—failure to take formal exception—original bill in lieu of certified copy. |
| § 13. Interchanges authorized. | § 39. Change of venue in certain cases regulated. |
| § 14. Clerk of court—election—duties—salary. | § 40. Practice regulated in certain cases—præcipe and bill of particulars. |
| § 15. Deputy clerks—appointment—salary—duties—bond. | § 41. Summons to defendant—form, etc. |
| § 16. Bailiff—election—duties—salary—how paid. | § 42. Summons—how served. |
| § 17. Deputy bailiffs—appointment—duties—oath—bond—salary. | § 43. Return of summons—default—call of cases. |
| § 18. Fees and gratuities prohibited—penalty. | § 44. Certain blank forms to be furnished by clerk of court. |
| § 19. Practice to follow that of circuit courts—appeals and writs of error. | § 45. Fixing time of trial. |
| § 20. Additional rules of practice—how adopted—approval of supreme court. | § 46. Amendments. |
| § 21. No stated terms—court always open—vacation of decrees. | § 47. Postponements. |
| § 22. Review of final orders in cases of 1st, 2d and 3d classes. | § 48. Practice in attachment, etc—exception. |
| § 23. Review in cases of 4th and 5th classes—writs of error—how prosecuted. | § 49. Practice in quasi criminal cases—exceptions. |
| § 24. Cases transferred from other courts—duty of State's attorney in criminal cases. | § 50. Bail—bail bond—deposit of money in lieu of bail. |
| § 25. Petit jurors—how provided—payment—number. | § 51. Rules of procedure in cases unprovided for by act. |
| § 26. Jurors—interrogation—qualification. | § 52. Presumptions of jurisdiction. |
| | § 53. Payment of judgments—satisfaction. |
| | § 54. Judicial notice—city, State and Federal laws. |
| | § 55. Masters in Chancery. |
| | § 56. Costs in cases of 1st, 2d, 4th and 5th classes fixed. |
| | § 57. Costs in criminal and quasi criminal cases fixed. |

§ 58. Costs in city cases—clerk's and bailiff's fees.	§ 63. Orders, judgments and decrees—force and effect in certain cases.
§ 59. Further fees fixed.	§ 64. Other judgments.
§ 60. Justices and constables—offices abolished.	§ 65. Terms of justices—proviso.
§ 61. Justices' dockets, how disposed of—pending cases.	§ 66. Validity of act considered.
§ 62. Supervision of court records by chief justice.	§ 67. Adoption of act.

Approved May 18, 1905.

AN ACT in relation to a municipal court in the city of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be established in and for the city of Chicago a municipal court which shall be styled "The Municipal Court of Chicago," hereinafter designated and referred to as the Municipal Court and the jurisdiction of which shall be exercised in the manner hereinafter prescribed by branch courts, each of which shall exercise all the powers in this act declared to be vested in the Municipal Court:

§ 2. That said Municipal Court shall have jurisdiction within the city of Chicago, in the following cases:

First. All actions on contracts, express or implied, when the amount claimed by the plaintiff exceeds one thousand dollars (\$1,000) and all actions for the recovery of personal property or for the recovery of damages for the conversion of an injury to personal property when the value of the property on [or] the amount of damages sought to be recovered, as claimed by the plaintiff, exceeds one thousand dollars (\$1,000) and which, for convenience, will be hereinafter referred to and designated as cases of the first class.

Second. All suits of every kind and nature, whether civil or criminal, or whether at law or in equity, which may be transferred to it by change of venue, or otherwise, by the circuit court of Cook county, or by the superior court of Cook county, or by the criminal court of Cook county, for trial and disposition and which, for convenience, will be hereinafter designated and referred to as cases of the second class.

Third. All criminal cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, and which, for convenience, will be hereinafter designated and referred to as cases of the third class.

Fourth. All those classes of suits and proceedings, whether civil or quasi criminal, of which justices of the peace are now given jurisdiction by law, in all of which classes of suits and proceedings said Municipal Court shall have jurisdiction when the amount sought to be recovered, whether by way of damages, penalty, or otherwise, if the suit or proceeding be for the recovery of money only, or the value of the personal property claimed, if the suit or proceeding be brought for the recovery of personal property, does not exceed one thousand dollars (\$1,000): *Provided, however,* that in any action upon a bond the amount sought to be recovered thereon and not the penalty of

the bond shall determine the jurisdiction, and that when payments are to be made by installments, an action may be brought in the Municipal Court for any installment not exceeding one thousand dollars (\$1,000) as it becomes due, and which, for convenience, will be hereinafter designated and referred to as cases of the fourth class.

Fifth. All other suits at law, for the recovery of money only, when the amount claimed does not exceed one thousand dollars (\$1,000), and which, for convenience, will be hereinafter designated and referred to as cases of the fifth class.

§ 3. That in all cases of the first class and in all cases of the second class the issues shall be made up in said court by the same forms of pleadings, as near as may be, in use in similar cases in the circuit courts; that all cases of the third class shall be prosecuted by complaint or by information in accordance with such rules as may be hereinafter prescribed or provided for, or in cases not herein otherwise provided for, by such rules of practice as may be prescribed by law for similar cases in the criminal court of Cook county or before justices of the peace; and that in all cases of the fourth class and in all cases of the fifth class the issues shall be determined without other forms of written pleadings than those hereinafter expressly prescribed or provided for.

§ 4. That said court shall be held in districts, which until otherwise provided, shall be five in number and their territorial limits shall be as follows:

Of the First District the territorial limits shall be the territory bounded on the east by Lake Michigan, on the north by the city limits, on the west by the center line of Western avenue from the city limits on the north to the center line of Fifty-fifth street, thence on the south by the center line of Fifty-fifth street to the center line of State street, thence on the west by the center line of State street to the center line of Sixty-third street, thence on the south by the center line of Sixty-third street to the center line of Cottage Grove avenue, thence on the west by the center line of Cottage Grove avenue to the center line of Seventy-first street, and thence on the south by the center line of Seventy-first street to Lake Michigan, and such territory shall be known as the First District.

Of the Second District the territorial limits shall be the territory bounded on the south by the city limits, on the east by the city limits, and Lake Michigan, on the north by the center line of Seventy-first street, and on the west by the center line of Cottage Grove avenue, and such territory shall be known as the Second District.

Of the Third District the territorial limits shall be the territory bounded on the west and south by the city limits, on the east by the center line of Cottage Grove avenue from the city limits on the south to the center line of Sixty-third street, thence on the north by the center line of Sixty-third street to the center line of State street, thence on the east by the center line of State street to the center line of Fifty-fifth street, thence on the north by the center line of Fifty-

fifth street to the city limits on the west, and such territory shall be known as the Third District.

Of the Fourth District the territorial limits shall be the territory bounded on the south by the center line of Fifty-fifth street, on the east by the center line of Western avenue, on the north by the center line of Lake street and on the west by the city limits, and such territory shall be known as the Fourth District.

Of the Fifth District the territorial limits shall be the territory bounded on the south by the center line of Lake street, on the east by the center line of Western avenue, and on the north and west by the city limits, and such territory shall be known as the Fifth District.

The number and boundaries of the districts may be changed, from time to time, by orders signed by a majority of the judges of the municipal court, and spread upon the records thereof, which orders shall be published for three successive weeks, once in each week, in some newspaper of general circulation in the city of Chicago, and which shall take effect respectively within thirty days after the last publication thereof: *Provided, however*, no such change in the number or boundaries of districts shall become effective unless the order therefor shall have been approved by the city council of the city of Chicago. As many branch courts shall be held in each district as may be determined by the chief justice of said municipal court to be necessary for the prompt and proper disposition of the business of said court: *Provided, however*, that at least one branch court shall be held in each district. Such branch courts may be given such designation by numbers or otherwise as may be determined by the chief justice.

§ 5. That said branch courts shall be held at such places in said city of Chicago as may be provided for that purpose by the corporate authorities thereof. If no place be provided by the corporate authorities of said city for the holding of any branch court, or if the place so provided become unfit, said branch court may, by an order signed by the majority of the judges of said municipal court, and entered upon the records of said branch court, adjourn to or convene at a suitable place for holding said branch court, procured for that purpose by said judges, within the district in which the same is located and at such place may hold said branch court, until a suitable place therefor be furnished by said corporate authorities.

§ 6. That said court shall have seals for each district and may from time to time, as may be necessary, renew the same. The expense of said seals and renewing the same shall be paid by the city of Chicago.

§ 7. That all blanks, books, papers, stationery and furniture necessary to the keeping of the records of the proceedings of such municipal court, and the transaction of the business thereof, shall be furnished the officers of such court at the expense of the city. All other expenditures on account of such court which may be authorized by the city council, and which are not specifically mentioned in this act, shall be paid out of the city treasury.

§ 8. That said municipal court shall consist of twenty-eight (28) judges, one of whom shall be chief justice and the remaining twenty-seven (27) of whom shall be associate judges. Each branch court shall be presided over by a single judge of the municipal court. The chief justice, in addition to the exercise of all the other powers of a judge of said court, shall have the general superintendence of the business of said court: he shall preside at all meetings of the judges, and he shall assign the associate judges to duty in the branch courts, from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned, but the chief justice shall only assign such number of judges to the trial and disposition of cases of the first class and cases of the second class mentioned in section two (2) of this act from time to time, as may not be needed for the prompt disposition of the other business of the court. The chief justice shall also superintend the preparation of the calendars of cases for trial in said court and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. Each associate judge shall at the commencement of each month make to the chief justice, under his official oath, a report in writing of the duties performed by him during the preceding month, which report shall specify the number of days attendance in court of such judge during such month, and the branch courts upon which he has attended, and the number of hours per day of such attendance, for which the chief justice shall cause suitable blanks to be prepared and furnished to the associate judges. Each judge shall be entitled to vacations, which shall not exceed thirty-six days in all in any one year and which shall be taken at such times as may be determined by the chief justice. The chief justice must give his attention faithfully to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he may be able to perform. Each associate judge must perform his share of the labors and duties appertaining to the office. At least one associate judge must be in attendance in one branch court in each district, six hours of each day, except Sunday, a public holiday, or a day upon which the inhabitants of the city of Chicago generally refrain from business, and each associate judge, while in the court room or in chambers, and not actually engaged in the performance of other official duties, must act upon any application for his official action, properly made to him. One branch court in the first district shall be kept open, and at least one judge assigned for that purpose by the chief justice, shall be in attendance thereat, each day, excepting Sunday or a public holiday, from nine o'clock a. m., to ten o'clock p. m., excepting two hours' intermission, for the transaction of such business as may come before it. It shall be the duty of the chief justice and the associate judges to meet together at least once in each month, excepting the month of August, in each year, at such hour and place as may be designated

by the chief justice, and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At such meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they deem necessary or proper with respect thereto, and they shall have power and it shall be their duty to adopt or cause to be adopted all such rules and regulations for the proper administration of justice in said court as to them may seem expedient. The salary of the chief justice shall be seven thousand five hundred dollars (\$7,500) per annum, and the salary of an associate judge shall be six thousand dollars (\$6,000) per annum, payable in monthly installments out of the city treasury.

§ 9. That the chief justice and the associate judges of the Municipal Court provided for in the preceding section shall be elected on the first Tuesday after the first Monday of November, A. D. 1906; that the chief justice shall hold his office for the term of six (6) years and until his successor shall be elected and qualified; that of the said associate judges so to be elected nine (9) shall be elected for the term of two (2) years; nine (9) for the term of four (4) years, and nine (9) for the term of six (6) years and until their respective successors shall be elected and qualified, and on the first Tuesday after the first Monday of November, A. D. 1908, and on the first Tuesday after the first Monday of November of every sixth year thereafter, and on the first Tuesday after the first Monday of November, A. D. 1910, and on the first Tuesday after the first Monday of November every sixth year thereafter there shall be elected nine (9) associate judges of said Municipal Court and on the first Tuesday after the first Monday of November, A. D. 1912, and every sixth year thereafter there shall be elected a chief justice and nine (9) associate judges of said Municipal Court as successors in office of the chief justice and associate judges of the Municipal Court by this act required to be elected, each of whom shall hold his office for the term of six (6) years and until his successor shall be elected and qualified. The judges so required to be elected shall enter upon the discharge of their duties on the first Monday of December following their election. Vacancies in the office of chief justice or associate judge of the Municipal Court shall be filled by election at the regular municipal, judicial or other general election which shall occur next after a period of thirty (30) days from the time such vacancy [vacancies] respectively occur, but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment by the Governor. Whenever a vacancy occurs in the office of chief justice, or whenever the chief justice shall be absent from the city of Chicago, or incapacitated from acting, the associate judges shall select one of their number to act as chief justice until such vacancy shall be filled by election or appointment as above provided for, or until the return of the chief justice, or until his incapacity ceases.

§ 10. That no person shall be eligible to the office of chief justice or of associate judge of the municipal court unless he shall be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in the county of Cook and been there engaged, either in active practice as an attorney and counsellor at law or in the discharge of the duties of a judicial office, five years next preceding his election, or in one of said occupations during a portion of said time and in the other the remaining portion thereof, and shall, at the time of his election, be a resident of the city of Chicago.

§ 11. That every chief justice and associate judge of such municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of chief justice (or associate judge) of the Municipal Court of Chicago according to the best of my ability.

Said oath shall be filed in the office of the Secretary of State.

§ 12. That whenever two-thirds in number of the judges of the municipal court shall transmit to the city council of the city of Chicago a certificate signed by them that in the opinion of said judges the business of said municipal court is such as to require an increase in the number of the associate judges of said municipal court, said city council may, by ordinance or ordinances, provide for an increase of not more than nine in the number of said judges, who shall be elected, one-third for two years, one-third for four years and one-third for six years, at the next ensuing general election. The judges elected in accordance with such ordinance or ordinances shall hold their offices for the said respective periods for which they shall have been elected and until their successors shall be elected and qualified, and every two years thereafter their respective successors shall be elected for the full term of six years. But, after the number of associate judges has been increased to thirty-six (36) no subsequent increase thereof shall be made by the city council.

§ 13. That the judges of said municipal court may interchange with judges of other city courts, and with county judges, and said respective judges may hold court for each other and perform each other's duties when they find it necessary or convenient.

§ 14. That there shall be a clerk of said municipal court, whose term of office shall be six years and until his successor shall be elected and qualified and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform with respect to said municipal court, the duties usually performed by clerks of courts of record. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open for the transaction of business from eight o'clock a. m. to six o'clock p. m. of each working day during the year. Until otherwise pro-

vided by the rules which may be adopted under the provisions of this act, the powers, duties and liabilities, the oath of office and the bond and conditions thereof of such clerk shall be the same, as near as may be, as those prescribed by law for clerks of courts by the act entitled, "An Act to revise the law in relation to clerks of courts," approved March 25, 1874, and in force July 1, 1874. His salary shall be five thousand dollars (\$5,000) per annum, and shall be paid in monthly installments out of the city treasury. He shall be commissioned by the Governor.

§ 15. That said clerk shall appoint such number of deputies as may be determined, from time to time, by a majority of the judges of the municipal court by orders signed by them and spread upon the records of said court. At least one deputy clerk shall be assigned to duty in each branch court. The salaries of deputy clerks shall be fixed, from time to time, by orders signed by a majority of the judges of the municipal court and spread upon the records of the court, and shall be payable out of the city treasury in monthly installments: *Provided, however,* that the salary of the chief deputy clerk shall not exceed two thousand five hundred dollars (\$2,500) per annum, and that the salary of no other deputy clerk shall exceed eighteen hundred dollars (\$1,800) per annum. Such number of deputy clerks so appointed as the judges may deem necessary shall be competent shorthand reporters, capable of correctly taking down stenographically and transcribing the proceedings of courts, and shall perform such duties with respect to attending upon and taking down stenographic reports of the proceedings of said court as may be required by the judges, and for making and furnishing transcripts of their stenographic reports aforesaid said deputy clerks shall be allowed to make such reasonable charge, not exceeding fifteen cents per each one hundred words, to the parties to whom such transcripts are furnished, as may be determined by the judges, and the judges may allow said deputy clerks to retain, as additional compensation for their services one-half of the charges so collected, the balance of such charges to be accounted for by such deputy clerks in the same manner as costs collected by them. Such deputy clerks shall take the same oath or affirmation required of the clerk of said municipal court and shall give bonds to be approved by the chief justice of said court, conditioned, as near as may be, like the bond required of the clerk. Any deputy clerk shall be subject to removal at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. The number of deputy clerks may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. It shall be the duty of deputy clerks to render to parties to suits in cases of the fourth class and in cases of the fifth class mentioned in section two (2) of this act, such assistance and give them such information as may enable them to properly commence suits or to enter their appearances when sued, which duty shall be regulated and defined by instructions to be prepared by the chief justice.

§ 16. That there shall be a bailiff of said municipal court whose term of office shall be six years and until his successor shall be elected and qualified and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform, with respect to said municipal court, the duties usually performed by sheriffs in respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions of, a circuit court. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open in each district for the transaction of business from eight o'clock a. m. to six o'clock p. m., of each working day during the year. Until otherwise provided by the rules which may be adopted under the provisions of this act, the powers, duties and liabilities, the oath of office, and the bond and conditions thereof of such bailiff shall be the same, as near as may be, as those prescribed by law for sheriffs with respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions of, a circuit court. His salary shall be five thousand dollars (\$5,000) per annum and shall be paid in monthly installments out of the city treasury. He shall be commissioned by the Governor.

§ 17. That said bailiff shall appoint such number of deputies as may be determined, from time to time by a majority of judges of the municipal court by orders signed by them and spread upon the records of said court. At least one deputy bailiff shall be assigned to duty in each branch court. The salaries of deputy bailiffs shall be fixed, from time to time by orders signed by a majority of the judges of the municipal court and spread upon the records of the court and shall be payable out of the city treasury in monthly installments: *Provided, however,* that the salary of the chief deputy bailiff shall not exceed two thousand five hundred dollars (\$2,500) per annum, and that the salary of no other deputy bailiff shall exceed fifteen hundred dollars (\$1,500) per annum. Such deputy bailiffs shall take the same oath or affirmation required of the bailiff of said municipal court and shall give bonds to be approved by the chief justice of said court conditioned, as near as may be, like the bond required of the bailiff. The bailiff and deputy bailiffs of the municipal court shall be *ex officio* police officers of the city of Chicago. Any deputy bailiff shall be subject to removal at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. The number of deputy bailiffs may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. Every police officer of the city of Chicago shall be *ex officio* a deputy bailiff of the municipal court, and shall perform, from time to time, such duties in respect to criminal and quasi criminal cases, including cases pertaining to alleged violation of city ordinances pending in said court, as may be required of him by said court or any judge thereof.

§ 18. That neither the clerk nor the bailiff nor any deputy clerk or deputy bailiff of said municipal court shall receive, aside from the salary and the costs by this act required to be paid to him in his official capacity, any money, property, or other valuable thing, as a gratuity or otherwise for the performance of any duty imposed upon him by virtue of his office, or for the performance of any work of any kind or character in any manner connected therewith. It shall be the duty of the judges of said municipal court to remove from office any deputy clerk or deputy bailiff who shall violate either of the provisions of this section. No clerk or bailiff, or deputy clerk or deputy bailiff, of the municipal court shall be appointed receiver or guardian *ad litem* in any suit therein pending.

§ 19. That until otherwise determined in the manner hereinafter provided, and except as by this act is otherwise prescribed, the practice in the municipal court shall be the same, as near as may be, as that which is now prescribed by law for similar suits or proceedings in circuit courts, expecting that in cases of the fourth class and cases of the fifth class mentioned in section two (2) of this act the issues shall be determined without other forms of written pleadings than those hereinafter expressly prescribed or provided for. Said municipal court shall be the sole judge of the applicability to the proceedings of said court of the rules of practice prescribed by law for similar cases in the circuit courts and its decisions in respect thereto shall not be subject to review upon appeal or writ of error: *Provided, however,* that upon appeal or writ of error the Supreme Court or the Appellate Court, as the case may be, may grant relief from any such decision in any case where, in the opinion of the Supreme Court or Appellate Court, such relief is necessary to prevent a failure of justice.

§ 20. That the judges of said municipal court shall have power to adopt, in addition to or in lieu of the provisions herein contained prescribing the practice in said municipal court or of any portion or portions of said provisions, such rules regulating the practice in said court as they may deem necessary or expedient for the proper administration of justice therein. The adoption of said rules shall be accomplished by an order signed by a majority of said judges, which order, when made, shall be forthwith spread upon the records of the municipal court and shall be printed in pamphlet form at the expense of the city: *Provided, however,* that no such rule or rules so adopted shall be inconsistent with those expressly provided for by this act, nor shall they become effective and be in force until after the lapse of thirty (30) days from the approval thereof by the Supreme Court. Application to the Supreme Court for such approval may be made by the chief justice of the municipal court, after notice of such application shall have been published once each week for three consecutive weeks, in some newspaper of general circulation published in the city of Chicago, specifying the time at which such application shall be made. Upon such application the Supreme Court shall review the said rule or rules so adopted and may either confirm the order adopting the same

or may modify or set aside the same, and the Supreme Court may, in its discretion, substitute for the rule or rules so adopted by said judges of said municipal court, or for any portion thereof, such other rules as the Supreme Court may deem proper, and may, in its discretion, of its own motion or otherwise, make any order respecting the rules of said municipal court which it may deem proper. The Supreme Court and the Appellate Courts, in cases brought to them from the municipal court by appeal or writ of error, shall take judicial notice of the rules of practice from time to time in force in said municipal court.

§ 21. That there shall be no stated terms of the municipal court but said court shall always be open for the transaction of business. Every judgment, order or decree of said court, final in its nature, shall, for the period of thirty days after the entry thereof, be subject to be vacated, set aside or modified, in the same manner and to the same extent as a judgment, decree or order of a circuit court during the term at which the same was rendered in such circuit court. After the lapse of thirty days any such judgment, decree or order shall not be vacated, set aside or modified, excepting upon appeal or writ of error, or by bill in equity: *Provided, however,* that all errors in fact in the proceedings in such case, which could have been corrected at common law by the writ of error *coram nobis*, may be corrected by motion, or the judgment may be set aside in the manner provided by law for similar cases in the circuit courts.

§ 22. That the final orders, judgments and decrees of the municipal court in cases of the first class, cases of the second class and cases of the third class mentioned in section two (2) of this act, may be reviewed, upon error or appeal, by the Supreme Court in all criminal cases above the grade of misdemeanors, cases in which a franchise or freehold, or the validity of a statute or construction of the Constitution is involved, and in all cases relating to the revenue or in which the State is interested as a party or otherwise, and by the Appellate Court in all other cases. The practice in cases of appeals from writs of error to said municipal court in said cases shall, except as in this act, or by rules of said court adopted in pursuance hereof, may be otherwise provided, be the same, as near as may be, as the practice in cases of appeal from writs of error to circuit courts in similar cases. But no appeal shall be allowed in any case unless the same be prayed for within twenty days after the entry of the order, judgment or decree appealed from, and no assignment of error in the Supreme Court or in the Appellate Court in any such case shall be allowed which shall call in question the decision of the municipal court in respect to any matter pertaining to the practice in said court: *Provided, however,* that the Supreme Court or the Appellate Court, as the case may be, may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where, in the opinion of the Supreme Court or Appellate Court, such relief is necessary to prevent a failure of justice.

§ 23. That the final orders and judgments of the municipal court in cases of the fourth class and cases of the fifth class mentioned in

section two (2) of this act, shall be reviewed by writ of error only. Such writ of error shall be sued out of the Supreme Court in all cases in which a franchise, a freehold or the validity of a statute or the construction of the Constitution is involved, and out of the Appellate Court in all other cases. The time within which a writ of error may be sued out in such case shall be limited to thirty days after the entry of the final order or judgment complained of. The manner of prosecuting such writ of error shall be as follows:

First—Any party to any such case against whom there has been rendered any final order or judgment of the municipal court and who shall desire to obtain a review of such final order or judgment by appeal or writ of error, may obtain from the municipal court a stay of execution upon such order or judgment for ninety days after the entry thereof by the giving of a bond with a sufficient surety or sureties, to be approved by a judge of the municipal court, conditioned for the performance by such party of, or his compliance with, such order or judgment, or his payment of the money thereby required to be paid and all costs which may be awarded the opposite party in the Supreme Court or the Appellate Court, as the case may be, in case a writ of error to review such order or judgment shall not be sued out within thirty days from the date thereof, or in case, upon the suing out and prosecution of such writ of error, the order or judgment shall be affirmed by the Supreme Court or the Appellate Court, as the case may be.

Second—No other or further stay of proceedings or execution in any such case shall be allowed by the municipal court, but the Supreme Court or the Appellate Court, or any judge thereof, may allow a supersedeas as in other cases, but upon the allowance of any supersedeas, when any bond has been given as above provided, no additional bond shall be required and such supersedeas shall be operative until the final determination of such writ of error.

Third—If, upon application to the Supreme Court or Appellate Court, or to any judge thereof, for a supersedeas the same shall be denied, such order or judgment shall stand affirmed, and no further proceedings shall be had in said Supreme Court or Appellate Court with respect thereto, unless the Supreme Court or Appellate Court, or the judge denying such supersedeas, shall otherwise order.

Fourth—The party in whose favor any final order or judgment has been entered shall be entitled to sue out a writ of error from the Supreme Court or the Appellate Court, as the case may be, by depositing with the clerk of the court from which said writ of error is sued out the sum of twenty dollars (\$20) as security to the opposite party for such costs as may be awarded such opposite party by the Supreme Court or the Appellate Court, as the case may be, upon the final determination of such writ of error.

Fifth—The party suing out any writ of error shall not be required to serve upon the opposite party any *scire facias* to hear errors, but in lieu thereof shall, within five days after the issuance of the writ of error, file the same with the clerk of the said municipal court, and

make to the Supreme Court or the Appellate Court, as the case may be, proof of such filing, and such writ of error so filed shall be notice to the opposite party of the suing out and prosecution of such writ of error.

Sixth—Upon application made at any time within sixty days after the entry of any final order or judgment, it shall be the duty of the judge by whom such final order or judgment was entered, to sign and place on file in the case in which the same was entered, if so requested by either of the parties to the suit, either a correct statement, to be prepared by the party requesting the signing of the same, of the facts appearing upon the trial thereof, and all questions of law involved in such case, and the decisions of the court upon said questions of law, or a correct stenographic report, the expense of procuring which shall be paid by the party requesting the signing of the same, of the proceedings of the trial, as such party may elect, the original of which statement or stenographic report, together with a certified transcript of the judgment, shall be certified to the Supreme Court or Appellate Court, as the case may be, as the record to be considered upon the review of such order or judgment by writ of error.

Seventh—No order or judgment so sought to be reviewed shall be reversed unless the Supreme Court or Appellate Court, as the case may be, shall be satisfied from said statement or stenographic report signed by said judge that such order or judgment is contrary to the law and the evidence or that such order or judgment resulted from substantial errors of said municipal court directly affecting the matters at issue between the parties, in which last mentioned case the Supreme Court or Appellate Court, as the case may be, may enter such order or judgment, as, in its opinion, the municipal court ought to have entered, or it may reverse the said order or judgment and remand the case to the municipal court for further proceedings.

Eighth—No assignment of error in the Supreme Court or in the Appellate Court in any such case shall be allowed which shall call in question the decisions of such municipal court in respect to any matter pertaining to the practice in such court, nor shall any exceptions to the rulings and decisions of the municipal court upon the trial be necessary to the right of either party to a review of such rulings and decisions in the Supreme Court or Appellate Court upon their merits, but it shall be the duty of the Supreme Court or the Appellate Court, as the case may be, to decide such case upon its merits as they may appear from such statement or stenographic report signed by the judge: *Provided, however,* that the Supreme Court or Appellate Court, as the case may be, may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where, in the opinion of the Supreme Court or the Appellate Court, such relief is necessary to prevent a failure of justice.

§ 24. That in any case transferred to said municipal court by the circuit or superior court of Cook county for trial and disposition, said municipal court shall exercise the same powers as the court from

which said case has been transferred might have exercised had said case not been so transferred. The circuit court of Cook county, or the superior court of Cook county, may, upon the application of either party for a change of venue, and shall upon the request of both parties to any suit at law or in equity pending therein, transfer said suit to the municipal court for trial and disposition. The criminal court of Cook county may, in its discretion, upon the request of the State's attorney or of any defendant, transfer to the municipal court for trial and disposition any case therein pending and shall have power to make all orders which it may deem necessary to accomplish such transfer and secure the attendance of the parties and witnesses upon said municipal court until the final disposition of the case, and said municipal court, when any criminal case shall have been so transferred to it, shall exercise all the powers with respect to the trial and disposition of said case which the said criminal court of Cook county might have exercised had said case not been so transferred. All judgments of conviction in criminal cases in said municipal court where the punishment inflicted is death or imprisonment, shall be carried into execution in the same manner as is provided by law in similar cases in said criminal court of Cook county. The prosecution of all criminal cases in the municipal court shall be conducted by or under the supervision of the State's attorney of Cook county, but in any case in which the State's attorney is disqualified from acting, or is unable to act, the court may appoint some attorney at law of Cook county to act as prosecuting attorney in such case. In all cases transferred as aforesaid to said municipal court, the practice in respect to the trial and disposition thereof shall be the same as that prevailing in the respective courts from which the same have been transferred, unless the parties shall consent that the trial and disposition thereof shall be governed by the rules of practice prevailing in said municipal court in cases commenced therein.

§ 25. That the petit jurors for the trial of cases in said municipal court shall be provided by the jury commissioners of the county of Cook in the same manner and from the same lists, as near as may be, as petit jurors are provided for the circuit, superior and criminal courts of Cook county. The names of the necessary number of petit jurors required from time to time in said municipal court shall be furnished by said jury commissioners upon demand to the clerk of the municipal court and the venires for such jurors shall be directed to and served by the sheriff of Cook county at the expense of said county, and the fees of said jurors shall be paid out of the city treasury. The number of petit jurors to be summoned from time to time shall be determined by the chief justice.

§ 26. That it shall be the duty of the chief justice of the municipal court to cause to be interrogated all petit jurors summoned for service in the municipal court, and to cause to be enquired into the qualifications of said jurors, and to reject from service as jurors all persons who do not appear to possess the qualifications required by law, and to cause the summoning of persons competent to serve as jurors.

§ 27. That all criminal cases in the municipal court in which the punishment is by fine or imprisonment otherwise than in the penitentiary, may be prosecuted by information of the Attorney General or State's attorney or some other person, and when an information is presented by any person other than the Attorney General or State's attorney, it shall be verified by affidavit of such person that the same is true or that the same is true as he is informed and believes. Before an information is filed by any person other than the Attorney General or State's attorney, one of the judges of the municipal court shall examine the information and may examine the person presenting the same and require other evidence and satisfy himself that there is probable cause for filing the same and so endorse the same. Every information shall set forth the offense with reasonable certainty, substantially as required in an indictment, and the proceedings thereon shall be the same, as near as may be, as upon indictment in the criminal court of Cook county, excepting as is by this act otherwise provided. But criminal cases in which the punishment is by fine only not exceeding five hundred dollars (\$500) may, in the discretion of the court, be prosecuted by complaint as is provided by law for the prosecution of criminal cases before justices of the peace. Any person committed for a criminal or supposed criminal offense and not admitted to bail and not tried within four months after the date of arrest shall be set at liberty by the court, unless the delay shall happen on the application of the prisoner or unless the court is satisfied that due exertion has been made to procure the evidence on the part of the people and that there is reasonable grounds to believe that such evidence may be procured within the next sixty days, in which case the court may continue the case for such time as the court may deem necessary, not exceeding said sixty days: *Provided, however,* that if said person be not tried within said sixty days no further continuance shall be granted and said person shall be set at liberty by the court.

§ 28. That, until otherwise provided by the rules of the municipal court, and except as is herein otherwise prescribed, cases of the first class mentioned in section two (2) of this act shall be commenced and prosecuted in said municipal court in the same manner in which similar suits and proceedings are required to be commenced and prosecuted in the circuit courts, and excepting also in the following particulars:

First—The summons, when the first process is a summons, or the writ, when the first process is a writ, shall be directed to the bailiff to execute and shall be returnable upon some Monday at least ten days, and not more than thirty days, after the date thereof.

Second—Service of such summons or writ shall be made by delivering a copy thereof to the defendant, if an individual, and informing him of the contents thereof, but if any defendant be a corporation, the service shall be made in the manner provided by law for similar cases in the circuit courts.

Third—Notice to the defendant by publication may be given under like circumstances and in the same manner as is provided by law for

similar cases in the circuit courts, but the notice published, in lieu of stating the time of the return of the summons or writ, shall state the date on or before which the defendant is required to appear, which date shall be some Monday not less than forty nor more than sixty days after the date of the first publication of notice, as the plaintiff may require.

Fourth—No such suit shall be commenced in the Municipal Court unless the defendant, if there be but one defendant, resides or is found within the city of Chicago, or if the defendant be a corporation unless its principal office is within said city; but if the defendant be a corporation not having a principal office in the city of Chicago, such suit may be brought in the Municipal Court whenever service of process may be had within the city upon any officer, agent or employe of such corporation upon whom service of process might be had if issued in a suit commenced in the circuit court.

Fifth—The provisions of paragraph fourth above, shall not apply to attachment suits brought against non-residents of this State, which suits may be brought in the Municipal Court when any property of the defendant is levied upon, or any garnishee resides or is found within the city of Chicago.

Sixth—When there are several defendants, one of whom resides or is found in the city of Chicago, a summons or writ may be issued to the sheriff of Cook county for any defendant residing in said county, but outside of the city of Chicago, or to the sheriff of any other county for any defendant residing in such county, and service of any summons or writ so issued shall be made in the same manner as herein required in the case of a summons or writ directed to the bailiff: *Provided, however,* that no judgment shall, in any such case, be rendered against any defendant served with process outside of the city of Chicago unless judgment be also rendered against a defendant served within said city of Chicago.

Seventh—The plaintiff shall file his declaration within five days after the commencement of the suit, in default whereof the suit shall be dismissed unless the court by an order entered in said suit shall extend the time for filing such declaration.

Eighth—The defendant shall, in case he shall have been served with process of summons, or with writ five days or more prior to the return day thereof, demur or plead to the declaration or the complaint on or before the Monday succeeding such return day; but in case the summons or writ shall have been served less than five days prior to the return day the defendant shall not be required to plead to the declaration or complaint until on or before the second Monday after such return day. In case the time for filing the declaration or complaint shall be extended by the court, the time for the defendant to demur or plead to the same shall be extended until the second Monday succeeding the expiration of such extension of time. The time within which the defendant is required to demur or plead may be extended by the court in its discretion.

But all cases provided for in this section shall be commenced, prosecuted and disposed of in some branch court, held in the First District.

§ 29. That cases of the fourth class and cases of the fifth class mentioned in section two (2) of this act shall be brought and prosecuted in the district in which the defendant, if there be but one defendant, or one of the defendants, if there be more than one defendant, resides or is found, or, if the defendant be a corporation having its principal office in the city of Chicago, in the district in which its principal office is located; but if the defendant be a corporation not having a principal office in the city of Chicago, suit may be brought in any district within which service of process may be had upon any officer, agent or employe of such corporation, upon whom service of process might be had if issued in a suit commenced in the circuit court. If, in any such case, there is more than one defendant and one defendant resides or is found within the district in which such suit is brought or is properly served with process therein, the process of such Municipal Court may be served upon the remaining defendant or defendants at any place within said city of Chicago. But no suit shall be brought against the city of Chicago or any other municipal corporation in any other than the First District. If, in any case where there is more than one defendant, process is duly served upon one or more defendants and returned not served as to another defendant or other defendants, the suit shall proceed as in like cases in the circuit court. But the requirement that the defendant, if there be but one defendant, or one of the defendants, if there be more than one defendant, must reside or be found within the district in which such suit is brought shall not apply to attachment suits brought against non-residents of this State, which suits may be brought in any district when any property of the defendant is levied upon within such district or any garnishee resides or is found in such district, nor shall it apply to forcible entry and detainer suits in which the defendants do not reside or cannot be found within the city of Chicago, which suits may be brought in any district in which the property, the possession of which is sought to be recovered is situated, and service of summons may be had by notice by publication in the manner required by law in cases of attachments in courts of record. When, upon the complaint of any defendant, it shall be made to appear to the Municipal Court in any district that the suit has been improperly brought therein, the court shall not be required on that account to dismiss the suit, if the Municipal Court in any district could properly have jurisdiction thereof, but in such case the court may cause such suit to be transferred to the proper district and the court in the district to which the same is transferred shall proceed therewith as if the same had been originally commenced in said district: *Provided, however,* that the court may, in its discretion, require the plaintiff to pay the costs of the defendant paid by him prior to such transfer: *And, provided, further,* that whenever a trial by jury is demanded in any case, whether civil, criminal or *quasi criminal*, the court may, in its discre-

tion, direct the trial of said case to be had in the First District, and for that purpose may cause said case to be transferred to the First District, to be there tried and disposed of.

§ 30. That every suit at law in the Municipal Court, other than a case of the second class or a case of the third class mentioned in section two (2) of this act, shall be tried by the court without a jury unless the plaintiff, at the time he commences his suit, or the defendant, at the time he enters his appearance, shall file with the clerk a demand in writing of a trial by jury, which demand, however, may be withdrawn by the party filing the same at any time before the trial, and in every case of the third class mentioned in section two of this act, a trial by jury shall be deemed waived unless the defendant shall expressly demand such trial.

§ 31. That in all cases tried by jury in a municipal court each party shall be entitled to a challenge of the same number of jurors without showing cause for such challenge as are allowed in similar cases in the circuit courts and in the criminal court of Cook county and challenges for statutory and other causes shall be allowed as in similar cases in the circuit court and in said criminal court of Cook county. It shall be the duty of the judge presiding at the trial to examine or cause to be examined all jurors called into the jury box in any case with respect to their statutory qualifications to serve as petit jurors in such case and to permit the plaintiff, or the people, and the defendant to propound to the jurors such pertinent questions as may be necessary for the purpose of ascertaining whether the jurors are biased or prejudiced. But upon appeal or writ of error to review any judgment of said Municipal Court in any case tried therein by jury no assignment of error shall be allowed which shall call in question any ruling of the court pertaining to or connected with the impaneling of the jury, other than one improperly restricting the right of the defendant to examine the jurors as to bias or prejudice, or improperly overruling a challenge by the defendant of a juror for bias or prejudice.

§ 32. That the Municipal Court in any civil suit pending therein, at any time before the trial or final hearing thereof, may permit the filing therein of interrogatories to be answered by any party to such suit or any person for whose immediate benefit such suit is prosecuted or defended, or by the directors, officers, superintendent or managing agents of any corporation which is a party to the record in such suit, at the instance of the adverse party or parties or any of them and to require an answer under oath to all such interrogatories as the party to be interrogated might be required to answer, if called as a witness upon the trial or hearing of such suit, but the party filing such interrogatories shall not be concluded by the answers thereto, if he shall elect to introduce the same or any or either of them upon the trial or final hearing.

§ 33. That upon the trial or hearing of any suit in the Municipal Court any party thereto or any person for whose immediate benefit such suit is prosecuted or defended, or the directors, officers, super-

intendent or managing agents of any corporation which is a party to the record in such suit may be examined upon the trial thereof as if under cross-examination at the instance of the adverse party or parties or any of them, and for that purpose may be compelled, in the same manner and subject to the same rules for examination as any other witness, to testify, but the party calling for such examination shall not be concluded thereby but may rebut the testimony thus given by counter testimony.

§ 34. That whenever in any suit pending in the Municipal Court evidence shall be necessary concerning any fact in support of or in opposition to any interlocutory or other motion or application, other than an application for a change of venue, the court may in its discretion, require such evidence to be presented by the oral examination of witnesses in open court or otherwise and may make all necessary orders for such oral examination.

§ 35. That any judge of the Municipal Court shall upon application of either party and upon reasonable notice to the opposite party have power to sign or otherwise make any order in any suit pending in the Municipal Court at any place within the city of Chicago, whenever in the opinion of such judge the granting of such order at such place is in furtherance of justice and such order shall be as effective as if made in any court room of said court or in the chambers of said judge.

§ 36. That cases in the Municipal Court shall be tried in such order and the calendars of cases shall be so arranged as may be determined by the chief justice or by rules of the court adopted as herein provided.

§ 37. That in trials by jury in the Municipal Court the court shall charge the jury as to the law only and the charge may, in the discretion of the Court, be given orally or in writing, but, when given orally, it shall be taken down in shorthand and at the request of either party a transcript thereof shall be made and filed in the cause in which such charge is given and shall be made a part of the record in such case.

§ 38. That whenever it appears in any bill of exceptions signed in any case of the first class or any case of the second class, or any case of the third class, mentioned in section two (2) of this act, tried and determined in the municipal court, that any erroneous ruling was that a formal exception had been taken thereto by the party complaining thereof, but that no formal exception was taken by such party thereto, such erroneous ruling shall be subject to review upon appeal or writ of error to the same extent and in like manner as if it appeared that a formal exception had been taken thereto by the party complaining, and no bill of exceptions shall be held defective for the want of the seal of the judge thereto. Upon the prosecution of an appeal or writ of error to review any judgment of the municipal court, in any such case, the original bill of exceptions, in lieu of a certified copy thereof, shall be inserted in the transcript of the record to be

filed in the Supreme Court or Appellate Court upon such appeal or writ of error, unless the municipal court shall otherwise direct, and upon the final determination of such appeal or writ of error, such original bill of exceptions shall be remitted to the municipal court.

§ 39. That no application for a change of venue in any case of the fourth class or in any case of the fifth class mentioned in section two (2) of this act, or in any criminal case punishable by fine or imprisonment otherwise than in the penitentiary, on account of the prejudice of the judge shall be allowed by the municipal court when the applicant named in his application more than one judge from whom such change of venue is desired, nor unless such application for a change of venue is made by petition as in like cases in the circuit courts, and such petition is filed at or before the time for filing or entering by the defendant of his appearance in the suit in which such change of venue is asked for, if such suit is a civil suit, or at or before the time the defendant is required to plead if such suit is a criminal suit, and in no case shall the granting of any change of venue delay the trial of the suit, but such suit shall be tried and disposed of at the time set for the trial thereof or at the time to which the trial thereof may be postponed before some other judge of the court than the one from whom the change of venue has been granted, or in any other district in which the same may be ordered to be tried, and all orders necessary for the setting of such case for trial and for the securing of a speedy trial thereof may be made by the judge from whom said change of venue has been obtained.

§ 40. That every case of the fourth class and every case of the fifth class mentioned in section two (2) of this act, excepting attachment suits, replevin suits, cases of distress for rent, and forcible entry and detainer suits, and also quasi criminal cases brought in the municipal court, shall be commenced by the filing by the plaintiff with the clerk of a praecipe for a summons, specifying the names of the parties to the suit, the amount of the plaintiff's claim and the day at which the summons shall be made returnable, which day shall not be less than five (5) nor more than fifteen (15) days from the filing of the praecipe, and a bill of particulars of the plaintiff's claim, which bill of particulars, if the suit be upon a contract, express or implied, shall consist of a statement of the account or of the nature of the demand, or, if the suit be for a tort, it shall consist of a brief statement of the nature of the tort and such further information as will reasonably inform the defendant of the nature of the case he is called upon to defend, but nothing herein contained shall be construed to require the bill of particulars in any action for a tort to set forth the cause of action with the particularity required in a declaration at common law. In cases of the fourth class and in cases of the fifth class mentioned in section two (2) of this act, the municipal court may adopt such rules and regulations as it may deem necessary to enable the parties, in advance of the trial, to ascertain the nature of the plaintiff's claim or claims, or of the defendant's defense or defenses.

§ 41. That upon the filing of such præcipe and bill of particulars the clerk of the municipal court shall issue a summons to the defendant directed to the bailiff to execute and returnable at ten o'clock, a. m. sharp of the day for such return specified in the præcipe, which summons shall state the amount of the plaintiff's claim and shall be attested in like manner as a summons issued out of a court of record. Upon every such summons there shall be printed in plain type the provisions of this act pertaining to defaults in case of non-appearance of the defendant, and setting of the case for trial in case of appearance, and such further information as may be prescribed by the chief justice.

§ 42. That every such summons issued out of the municipal court shall be served, if the defendant be an individual, by delivering to him a copy thereof and informing him of its contents, or, if the defendant be a corporation, service shall be made upon such corporation in the same manner as is now or hereafter may be provided by law for the service of process upon such corporation in a suit at law when issued out of a circuit court. In case said summons shall not be served upon the defendant three days or more prior to the return day thereof an alias summons may be issued and a subsequent pluries summons may be issued in any case when a previous alias or pluries summons shall not have been served upon the defendant three days or more prior to the return day fixed in the previous summons. Service of such alias or pluries summons shall be made in the same manner as that above provided for the service of the original summons.

§ 43. That upon the return of any such summons duly served upon the defendant, the plaintiff shall be entitled to judgment as in case of default, unless the defendant shall either appear in person at the time specified in such summons, or shall, at or before the time fixed in such summons for his appearance, file his appearance in writing in said municipal court. Upon such default the court shall assess the damages after hearing such evidence as the court may deem sufficient for that purpose. In case the defendant shall desire upon the trial to present any set-off or counter claim, he shall file a bill of particulars thereof with his appearance: *Provided, however,* the court may, in its discretion, extend the time for the filing of such bill of particulars. It shall be the duty of the court at ten o'clock, a. m., sharp, of each day upon which the court is open for business, or as soon thereafter as is practicable, to call the cases in which the summonses are then returnable for the purpose of ascertaining whether the defendants therein have appeared in person or have entered their appearance in writing, and to give such directions with respect to such appearances as the court may find necessary or proper for the information of the parties.

§ 44. That the clerk of the municipal court shall keep on hand and furnish to suitors and attorneys on application printed blank forms

of præcipes, summonses, entries of appearance, affidavits, bonds, attachment writs, replevin writs, petitions for change of venue, and all other papers necessary for the use of the parties to suits in such court. Forms for such papers shall be prescribed by the chief justice of the municipal court, who shall also from time to time prescribe and cause to be printed forms of bills of particulars to be used in said court.

§ 45. That if in any case of the fourth class or in any case of the fifth class mentioned in said section two (2) of this act, brought in the municipal court, the defendant shall appear at the time specified in the summons or shall have entered his appearance in writing at or before the time so specified, the court shall, at such time, or as soon thereafter as practicable, fix a time for the trial thereof, and such case shall be tried at the time so fixed, or as soon thereafter as the other business of the court will permit.

§ 46. That amendments to bills of particulars, præcipes, summons and other papers filed by either party may, in the discretion of the court, be allowed at any time.

§ 47. That the court may in any case of the fourth class or any case of the fifth class mentioned in section two (2) of this act, grant such postponements of the trial, and may make such other orders in respect thereto as the court may deem proper and necessary for the protection of the rights of the parties, and the failure of the court to try any such case at the time to which trial has been postponed shall not operate as a discontinuance, but the same shall remain under the control of the court until the final disposition thereof.

§ 48. That the practice and proceedings in the municipal court, other than the mode of trial and the proceedings subsequent to the trial, in cases of attachment, replevin, distress for rent and forcible entry and detainer included within the cases of the fourth class and within the cases of the fifth class mentioned in section two (2) of this act, shall be the same, as near as may be, as that which is now prescribed by law for similar cases in courts of record, with the following exceptions.

First. There shall be no written pleadings, excepting such as are required by law in similar cases before justices of the peace, other than the affidavits in attachment and replevin, copies of the distress warrants in cases of distress for rent, and the complaint in forcible entry and detainer, and the writs shall be made returnable in like manner as the summons in other cases of such classes in the municipal court.

Second. In attachment cases the plaintiff at the time of the commencement of his suit and the defendant at the time of his appearing in person or of his entering his appearance in writing, if he shall desire upon the trial to present any set-off or counter claim, shall file a bill of particulars thereof.

Third. In forcible entry and detainer cases the plaintiff may unite with his claim for possession of the property any claim for rent or damages for withholding possession of the same, providing such claim does not exceed one thousand dollars (\$1,000).

Fourth. The mode of trial and all proceedings subsequent to the trial shall be the same, as near as may be, as in other cases of the fourth class and cases of the fifth class, mentioned in section two (2) of this act.

§ 49. That the practice in the municipal court in *quasi* criminal cases shall be the same as is herein prescribed for civil cases of the fourth class mentioned in section two (2) of this act, in said court, excepting as follows:

First. The first process in any suit for the violation of any municipal ordinance shall, except as hereinafter provided, be a summons. If the defendant, after being duly served with summons, fails to appear personally at the time specified in the summons, or to enter his appearance at or before such time, the court may proceed, as in case of default, or may issue a warrant for the arrest of the defendant.

Second. When the offense complained of is also a violation of any provision of the criminal code, the court may issue a warrant in the first instance for the violation of the ordinance under the like circumstances under which a warrant might issue for a violation of the criminal code, and such warrant may be served at any place within the city of Chicago if the court in its discretion shall so direct.

Third. A warrant may issue in the first instance upon the affidavit of any person that an ordinance has been violated and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof and will escape unless arrested, and stating the facts upon which such belief is based: *Provided*, the judge to whom application is made for such warrant shall be satisfied, after examining under oath the party making the affidavit, that such arrest should be made, and any person arrested upon any warrant herein provided for shall, without unnecessary delay, be taken before the branch court to which such warrant is returnable and tried for the alleged offense, and such warrant may be served at any place within the city of Chicago, if the court in its discretion shall so direct.

§ 50. That upon the arrest of any person for any criminal or *quasi* criminal offense within the jurisdiction of the municipal court, any judge of the municipal court, or any judge of the circuit or superior court of Cook county shall have power to let such person to bail and in case of the arrest of any person for any *quasi* criminal offense or for any offense when the punishment is by fine or imprisonment otherwise than in the penitentiary, the chief of police or any captain, lieutenant or sergeant of police of the city of Chicago shall have power to let such person to bail. The bail bond in any such case shall be conditions for the appearance of the person arrested before some branch court at a time fixed in such bond for such appearance, which time shall be not later than two days after the date of the bond. Any bond so taken shall be signed by one or more sureties to be approved by such judge or officer, who shall be authorized and required to administer oaths for the purpose of ascertaining the sufficiency of the sureties. All bonds so taken shall be filed with the clerk of the

municipal court at the branch court at which the person so arrested is required to appear. The exercise of the power hereby conferred of letting to bail shall be subject to regulation by such rules as may be adopted by a majority of the judges of the municipal court as herein provided. But any person so arrested shall have the right to be brought immediately before the municipal court in the district in which he is arrested, or, if there be no judge then in attendance upon such court, to the municipal court in any other district at which there may be a judge then in attendance, to be dealt with by such court according to law. The court may, by rule, provide that any defendant arrested in any criminal case in which the punishment is by fine only, or in any *quasi* criminal case, may, in lieu of giving bail for his appearance, deposit with the clerk such sum of money as the court may deem sufficient to secure his appearance at the time or times so fixed therefor. Such sum to be forfeited and paid into the city treasury in case such defendant shall fail to appear at the time or times so fixed.

§ 51. That if the method of procedure in any case within the jurisdiction of the municipal court is not sufficiently prescribed by this act, or by any rule of court adopted in pursuance hereof, the branch court in which the same is brought or proposed to be brought, may make such provision for the conducting and disposing of the same as may appear to the court proper for the just determination of the rights of the parties.

§ 52. That both in direct and in collateral proceedings the same presumptions shall be indulged with respect to the jurisdiction of the municipal court over the subject matter of suits and over the parties thereto, as are indulged with respect to the jurisdiction of circuit courts in like cases.

§ 53. That any money judgment rendered by the municipal court, when no execution issued thereon is outstanding, may be satisfied by the payment by the party against whom the same has been rendered of the amount thereof to the clerk of said court, who, upon payment being made, shall enter satisfaction thereof and shall, upon demand, pay over the money received by him to the person appearing of record to be entitled thereto.

§ 54. That the municipal court shall take judicial notice of all matters of which courts of general jurisdiction of this State are required to take judicial notice, and also of the following:

1. All general ordinances of the city of Chicago and all general ordinances of every municipal corporation situated in whole or in part within the limits of the city of Chicago.

2. All laws of a public nature enacted by any state or territory of the United States.

§ 55. That the masters in chancery of the circuit and superior courts of Cook county shall be *ex officio* masters in chancery of the municipal court.

§ 56. That the costs in civil cases in the municipal court shall be as follows:

First—In a case of the first class mentioned in section two (2) of this act the plaintiff at the time of commencing his suit shall pay to the clerk in full for all services to be rendered by said clerk for the plaintiff in said suit other than the making or furnishing of transcripts of the record, the sum of eight dollars (\$8), and if he at the same time files with the clerk a demand in writing of a trial by jury he shall pay to the clerk the further sum of six dollars (\$6), to be applied towards the payment of the fees of jurors in said court.

Second—In a case of the second class mentioned in section two (2) of this act the plaintiff, at the time of the bringing of the transcript of the record to the municipal court, shall pay to the clerk in full for all services to be rendered by said clerk for the plaintiff in said suit other than the making or furnishing of transcripts of the record, the sum of eight dollars (\$8), and if he at the same time files with the clerk a demand in writing of a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6), to be applied towards the payment of the fees of the jurors in said court.

Third—In any case of the first class or of the second class mentioned in section two (2) of this act the defendant at the time of filing his appearance, and before he shall be permitted to make any defense, shall pay to the clerk in full for all services to be rendered by said clerk for the defendant in said suit, other than the making or furnishing of transcripts of the record, the sum of three dollars (\$3), and if he shall at the same time file with the clerk a demand in writing of a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6), to be applied towards the payment of the fees of the jurors in said court.

Fourth—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act, the plaintiff, at the time of commencing his suit shall pay to the clerk in full for all services to be rendered by said clerk, if such case be other than an action of forcible entry and detainer, the sum of two dollars (\$2) when the amount claimed by him in money or property does not exceed two hundred dollars (\$200); the sum of five dollars (\$5) when the amount claimed by him exceeds two hundred dollars (\$200) but does not exceed one thousand dollars (\$1,000); and the sum of two dollars (\$2) in a case of forcible entry and detainer, and if the plaintiff at the time he commences his suit files with the clerk a demand in writing of a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6), to be applied towards the payment of the fees of jurors in said court.

Fifth—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act the defendant, at the time of his appearance, shall pay to the clerk in full for all services to be rendered by said clerk, if the suit be other than an action of forcible entry and detainer and the amount claimed by the plaintiff in money or property exceeds two hundred dollars (\$200) the sum of two dollars

(§2). and if the defendant shall at the same time file with the clerk a demand in writing of a trial by jury he shall pay to the clerk the further sum of six dollars (\$6) to be applied towards the payment of the fees of jurors in said court.

Sixth—The costs to be paid for the services of the bailiffs and of sheriffs and other costs not included in the above in cases of the first class and in cases of the second class mentioned in section two (2) of this act shall be the same as those required by law from time to time to be paid for similar services in cases in the circuit court of Cook county.

Seventh—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act the party delivering to the bailiff any summons, writ of attachment, writ of replevin, subpoena, writ of execution or other process shall at the time of making such delivery pay to the bailiff the sum of one dollar (\$1) for each defendant named in such process upon whom service thereof is to be made, and in cases of writs of attachment, replevin or execution, he shall pay to the bailiff the further sum of one dollar (\$1) when any levy upon or seizure of property is to be made thereunder, and shall also pay to the bailiff the actual expense of seizing or caring for any property levied upon or seized thereunder.

Eighth—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act, the party procuring any certified copy of the record or of any portion thereof in any case shall pay to the clerk the same fees required by law from time to time to be paid to the clerk of the circuit court of Cook county for similar services.

Ninth—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act the bailiff, as commissions on moneys realized by execution, shall collect from the defendant in the execution five (5) per cent upon the amount realized if it do not exceed one hundred dollars (\$100), but if the amount realized exceeds one hundred dollars (\$100) the bailiff shall collect five (5) per cent on the first one hundred dollars (\$100) and three per cent upon the excess over one hundred dollars (\$100).

The amounts hereby required to be advanced when a demand in writing of a trial by jury is filed to be applied towards the payment of the fees of jurors in said court shall be paid by the clerk into the city treasury.

In any case included within the terms of this section the court may, in its discretion, order that an advance payment of costs may be waived in favor of any poor person whose financial circumstances, as made to appear to the court, are such that an advance payment would be unduly burdensome or oppressive.

§ 57. That the costs in criminal and in *quasi* criminal cases and proceedings in the municipal court, instituted in the name or by the authority of the people or in the name of any State or county officer in his official capacity, shall be as follows:

First—The clerk's fees in full for all services rendered by him shall be the sum of six dollars (\$6).

Second—The bailiff's fees shall be the same as those which may now or hereafter be fixed by law for the sheriff in counties of the third class for similar services.

All moneys collected upon judgments of the municipal court in such cases shall be paid to the clerk, who shall, at the end of every three months, apply the same, or so much thereof as may be necessary, to the payment of the uncollected costs in criminal and *quasi* criminal cases instituted in the municipal court in the name of the people, or in the name of any State or county officer in his official capacity, and pay over the balance, if any, to the officer entitled by law to receive the same.

§ 58. That the costs in cases in the municipal court instituted in the name of the city of Chicago or in the name of any officer thereof in his official capacity, shall be as follows:

First—The clerk's fees in full for all services rendered by him shall be the sum of six dollars (\$6).

Second—The bailiff's fees shall be the same as those which may now or hereafter be fixed by law for the sheriff in counties of the third class for similar services.

All moneys collected upon judgments of the municipal court in cases for the violation of the ordinances of the city of Chicago shall be paid to the clerk, who shall pay over the same to the city of Chicago, within one week after receiving the same.

§ 59. That the clerk and each deputy clerk shall collect for the acknowledgement and entering of memoranda of chattel mortgages and for the acknowledgement of other written instruments the same fees allowed by law to justices of the peace for similar services and the fees so collected and all costs collected in each week by the clerk and bailiff shall be paid over by them respectively to the city of Chicago on the Monday of the succeeding week, and the clerk and bailiff shall be held personally responsible for all costs required to be paid to them in advance as hereinbefore provided and the clerk shall be personally responsible for all fees required as aforesaid to be collected by him and by each deputy clerk. The clerk and the bailiff shall be required to keep complete and accurate accounts of all moneys collected by them and by their respective deputies, and such accounts shall, under the direction of the chief justice of said municipal court, be examined and audited monthly, the expense thereof to be paid by the city.

§ 60. That the offices of justices of the peace, police magistrates and constables in and for the territory within the city of Chicago be and they are hereby abolished, and that the jurisdiction of justices of the peace in the territory of the county of Cook outside of the city of Chicago be and it is hereby limited to the territory of said county outside of said city, but this section of this act shall not become operative until the first Monday of December, A. D. 1906, and on and after said date the jurisdiction hereby conferred upon the municipal court shall exclude the exercise of any portion of such jurisdiction by all other courts excepting courts of record, and on and after said first

Monday of December, A. D. 1906, no other court than a court of record shall exercise jurisdiction in any case in which said municipal court is given jurisdiction by this act.

§ 61. That when the offices of justice of the peace within the city of Chicago shall be abolished the docket of each justice of the peace whose office is thus abolished and all papers in his possession pertaining to proceedings had before him shall be forthwith delivered up to the clerk of the municipal court, who shall preserve the same in his office kept in the First District and who shall have full power and authority to certify to transcripts of such proceedings as such justice of the peace would have had, had the office not been abolished. Executions may be issued by the clerk of said court upon any unsatisfied judgments rendered by such justice of the peace in all cases in which the same might have been issued had such office of justice of the peace not been abolished, and said municipal court shall allow an appeal to the circuit or superior court of Cook county from any judgment rendered by any justice of the peace within twenty (20) days prior to the first Monday of December, A. D. 1906, upon the giving by the appellant of an appeal bond with security as now required by law in cases of appeals from justices of the peace: *Provided*, such appeal is prayed at any time within twenty (20) days after the first Monday of December, A. D. 1906. In all cases not determined or finally disposed of by such justice of the peace at the time his office is abolished, such proceedings shall be had in said municipal court, as might be had were such suits originally brought in said court, but no trial of any such case shall be had in said court without such notice to the parties thereto as the court may deem necessary. All writs issued by justices of the peace within the city of Chicago and which shall not have been returned on the first Monday of December, A. D. 1906, shall be forthwith returned to the municipal court, and said municipal court shall have full power to make such provision for the execution or other disposition of all such writs as said court may deem proper for the protection of the rights of the respective parties to the suits in which such writs have been issued.

§ 62. That it shall be the duty of the chief justice of the municipal court to superintend the keeping of the records of said court and to prescribe abbreviated forms of entries of orders therein, which abbreviated forms so prescribed shall have the same force and effect as if said orders were entered in full in the records of said court. When any certified transcript of the record, or any portion thereof, of any suit or proceeding in said court is required, the same shall be written out in full from such abbreviated forms and duly authenticated according to law.

§ 63. That the orders, judgments, and decrees of the municipal court in cases of the first class and cases of the second class shall have the same force, be of the same effect, be liens upon real estate in the city of Chicago to the same extent and under the same circumstances, and be executed and enforced in the same manner as the

judgments, orders and decrees of the circuit court of Cook county, and such judgments and decrees shall also be liens upon real estate in the county of Cook outside of the city of Chicago after certified transcripts of the same shall have been filed in the office of the recorder of Cook county, which transcripts shall contain the names of the parties to the suits, the kinds of actions, the amounts of the judgments or the general nature and effect of the decrees as the case may be, and the dates on which the judgments and decrees were rendered: *Provided, however,* that no such orders, judgment or decrees shall be liens upon or affect registered land or any estate or interest therein until a certificate under the hand and official seal of the clerk of the municipal court, stating the date, and purport of the judgment, decree or order, is filed in the office of the register of titles of said Cook county, and a memorial of the same is entered upon the register of the last certificate of title to be affected.

§ 64. That all other judgments of the municipal court shall have the same force, be of the same effect and be executed and enforced in the same manner as the judgments of the circuit court of Cook county. But no such judgment shall be a lien upon the real estate of the person against whom it is obtained, excepting from the time of the filing of a certified transcript thereof in the office of the recorder of Cook county, which transcript shall contain the names of the parties to the suit, the kind of action, the amount of the judgment and the date upon which the same was rendered. *Provided, however,* that no such judgment shall be a lien upon or affect registered land or any estate or interest therein until a certified transcript thereof is filed in the office of the register of titles of Cook county and a memorial of the same is entered upon the register of the last certificate of title to be affected. The recorder of Cook county shall provide and keep in his office for said municipal court well bound books for entering therein an alphabetical docket of all judgments and decrees rendered in said municipal court as is now required by law for docketing judgments and decrees rendered in circuit courts and shall forthwith, after the filing of any transcript herein provided for, enter the same, together with the hour, day, month and year of the filing of such certified transcript and the general number thereof.

§ 65. That in case it shall be hereafter determined that so much of sections nine (9) and twelve (12) hereof as fixes the terms of office of the chief justice and associate judges of the municipal court is invalid, this act shall not on that account be adjudged wholly invalid, but the terms of office of the chief justice and associate judges of said municipal court shall in such case be four (4) years, and they shall hold their offices until their successors shall be elected and qualified, and on the first Tuesday after the first Monday of November, A. D. 1910, and on the first Tuesday after the first Monday of November of every fourth year thereafter there shall be elected a chief justice and twenty-seven (27) associate judges of said municipal court as successors in office of the judges hereby required to be elected on the first Tuesday after the first Monday of November, A. D. 1906, and the

terms of office of the associate judges which may be added to said municipal court in pursuance of section twelve (12) hereof shall be four (4) years.

§ 66. That the invalidity of any portion of this act shall not affect the validity of any other portion thereof, which can be given effect without such invalid part.

§ 67. That this act shall be submitted to a vote of the legal voters of the city of Chicago at the general election to be held on the first Tuesday after the first Monday of November, A. D. 1905. The ballots to be used at said election in voting upon this act shall be in substantially the following form:

For consenting to the act entitled, "An Act in relation to a Municipal Court in the City of Chicago."	
Against consenting to the act entitled, "An Act in relation to a Municipal Court in the City of Chicago."	

If a majority of the legal voters of said city voting on the question at such election shall vote in favor of consenting to this act, the same shall immediately thereupon take effect and become operative.

APPROVED May 18, 1905.

PROBATE COURTS—JURISDICTION EXTENDED.

- | | |
|--|---|
| § 1. Confers original jurisdiction over testamentary trusts — chancery power of court. | § 4. Sales by trustee effectual against heirs—death of trustee—successor. |
| § 2. Practice in matters of testamentary trusts. | § 5. Fees of clerks of court. |
| § 3. Sale and distribution of real estate —rules of procedure. | § 6. What act does not repeal. |
| | Filed May 18, 1905. |

AN ACT to extend the jurisdiction of probate courts and county courts having probate jurisdiction so as to include the complete administration of testate estates.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That original jurisdiction is hereby conferred upon probate courts and county courts in counties where no probate courts are now, or may hereafter be established according to law to supervise and control all testamentary trusts created by original wills of deceased persons proved and admitted to probate in such court. The jurisdiction hereby conferred shall include the appointments and removals of trustees, the issuing of letters of trusteeship to such trustees, the fixing and approving of their bonds and the settlement of their accounts; and in regard thereto said court shall have and exercise full chancery powers.

§ 2. The practice in such matters of testamentary trusts in probate or county courts as herein provided shall be as nearly as may be analogous to that now existing in the probate and settlement of testate

estates. The court shall have power in a summary manner to require the filing of accounts of testamentary trustees and to enforce all orders in relation thereto by citation or attachment in the same manner as now provided by law in case of executors and administrators.

§ 3. The supervision and control of testamentary trusts vested by this act in probate courts and county courts in counties where no probate courts are now, or may hereafter be established according to law, shall extend to and include the power in such courts to order the sale of the real estate to which any testator had claim or title, or such part thereof as may be necessary, for the payment of legacies or other charges made thereon by the testator, and in cases where the court shall find it necessary or expedient for the complete execution of the will of the testator and the equitable distribution of his estate in accordance therewith, that such real estate or a part thereof be sold. In the exercise of this power such courts shall proceed, as near as may be, in conformity with the procedure established by law for the sale of real estate to pay debts in courts having probate jurisdiction.

§ 4. All such sales of real estate shall be made, and conveyances executed for the same by the executor, administrator with the will annexed, or testamentary trustee applying for such order, and shall be valid and effectual against the heirs and devisees of such testator, and all other persons claiming by, through or under him or them. In case of the death of the executor, administrator with the will annexed or testamentary trustee applying for an order of sale before conveyance is made, his successor shall proceed in the premises and make conveyance in the same manner as if he had originally applied for such order, which conveyance shall be good and valid.

§ 5. The clerks of probate and county courts having probate jurisdiction shall be entitled to take fees as are now, or hereafter may be authorized by law for like service in the matter of the estates of deceased persons, but no docket fee shall be charged against any estate so held in trust where the original estate when probated was charged and paid a docket fee as provided by law.

§ 6. Nothing in the act contained shall be construed as repealing any of the provisions of an act entitled, "An Act concerning land titles," approved and in force May 1, 1897, nor any of the provisions of an act entitled, "An Act to amend sections seven (7) and eighteen (18) of an act entitled, 'An Act concerning land titles,' approved and in force May 1, 1897," approved May 18, 1903, and in force July 1, 1903.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May, A. D. 1905.

JAMES A. ROSE,

Secretary of State.

Note.—It appears from the enrolled bill filed in this office that the presiding officer of the Senate did not sign the same, but the records of this office show that said bill, designated as Senate Bill No. 118, passed the Senate March 28, 1905, receiving 30 affirmative votes and 2 negative votes, and that the said bill with House amendments passed the House of Representatives May 5, 1905, receiving 113 affirmative votes and 7 negative votes; and the records further show that the Senate concurred in the House amendments May 5, 1905, there being 27 votes in favor of concurring and no negative votes.

JAMES A. ROSE,

Secretary of State.