

## THESES.

Subject, County Courts

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When we hear the name county court, we first think of the county seat. The county seat is a town or city where the courts are held and where other public business is done. It is usually situated so as to be conveniently reached from all points within the county.

Then the most interesting place to us in the county seat is the location of the courthouse. This building is usually a very expensive one, often costing a million of dollars, and is located in a prominent part of the town. The main apartment of the courthouse is the court room although there are many other important rooms such as the offices of the county officials. Near the courthouse are the jail, in which the prisoners are kept, and the sheriff's residence.

Someone may ask what is a court and why do we have courts. A court is a body

of citizens assembled to settle disputes which have arisen between two or more fellow citizens. It has always been the custom of our race, even while they were yet savages in the forests of Germany, to settle such disputes by an assembly of people. They believed also that one's crimes should be judged by men of equal intelligence. Thus our system of courts has descended from the earliest times.

Does every county have a court of its own? Yes, but not always its own judge. Our state is divided into a number of districts, called judicial districts, each of which elects a judge, and when necessary to dispose of the business, several. Often one county alone forms a district. Then it has its own judge or judges. But when a county has less than forty thousand

people, two or more of them are combined to form a district. In this case the counties forming a district, together elect a judge who has charge of the several courts in turn. In such districts, each county also elects two associate judges.

The judge is the principal man in the court. He is elected for ten years and receives a large salary. He must be well versed in the law so that he may be able to decide all cases which may arise.

The associate judges are elected for five years. They should be men of good judgment but they need not be versed in the law. They often have the same power that the president judge has, as in cases concerning the granting of liquor licenses.

The district attorney is one of the most important officers of the court. He is elected by the county for three years, and his duties are such it is necessary for him to be a lawyer. He is the attorney against all criminals and, when no other attorney has been hired by the offended party, must plead the case himself.

The sheriff has also a great deal to do with the court. He has charge of the prisoners and takes them to the courtroom for trial. He executes all the orders of the court. He helps the jury commissioners to select the jurors, and notifies those chosen.

The clerks of the courts administer oaths to all witnesses, and read the charges against accused persons.

The stenographer takes down in

writing all the proceedings of the court and, when called upon to do so, read them.

The jury commissioners, two in number, are chosen by the county to select jurors. At the beginning of each year, they, together with one of the judges, select from the voters of the county a certain number of competent men for jurors, and put their names into the jury-box. The number of jurors is decided by the judge. Eight weeks before each session of court, the jury commissioners, together with the sheriff, draw from the jury-box a sufficient number of names for that term.

The court-crier calls the court to order, and invokes the blessing of God upon it.

The tips taves preserve order and do errands for the court.

We now come to the business of the court. All cases may be divided into two general classes: civil and criminal.

A criminal case is one in which a person is accused of putting into danger some one's life, property, or reputation. Such suits are brought against the accused in the name of the Commonwealth. The Commonwealth is the plaintiff and the accused person is the defendant.

A civil case is one which arises from some one's breaking a contract. These contracts may be written, oral, that is made before witnesses, or merely implied, in which case one is supposed to do what is just and right.

The courts of the county are divided into four separate courts each having a distinct work to do.

The court of Common Pleas has charge of civil cases. The court of Quarter Sessions has to do with criminal cases of a mild character, such as stealing, and assault and battery. The court of Oyer and Terminer and General Jail Delivery decides the higher criminal cases, such as robbery and murder. The Orphans' court has charge of cases relating to executors, guardians, and the wills of deceased persons. All the courts are presided over by the same judges and have the same officers with the exception of the clerk. The counties differ widely in regard to this one office. In some counties, the same man is clerk of all the courts. In others, one person is clerk of the first



three courts while the Orphans' court has its own clerk. Again, other counties may have a clerk for each court.

The first action in a criminal case is taken by the grand jury. This jury consists of the first twenty four names taken from the jury box for each term. But one member is always dismissed so that the grand jury, in fact, has but twenty three members. The district attorney prepares a formal statement, called an indictment, of the charges against the accused, and lays it before the grand jury. If twelve of the jury think that there is enough evidence to justify a trial, the person is bound over for court. In this case they are said to return a "true bill." If, however, twelve of the men decide that the evidence does not justify a trial, they

return "not a true bill," and the person is released.

When a criminal case is called before the court a jury of twelve men is selected from the number chosen for that term. The attorneys on either side may reject four jurors without giving any reason and as many more as they have good reason for. When the jury is satisfactory to both sides, it is sworn to render a just verdict according to the evidence given. Witnesses are called and sworn to tell the truth. After the trial is over, the judge reviews the case and explains the law that applies to it. This is called "the judge's charge to the jury." Then the jury leaves the room and can discuss matters with no one but the judge until it renders a verdict. The whole jury must agree on one opin-

ion before it can decide. The verdict is always "guilty" or "not guilty." If the jury cannot agree after a reasonable length of time has expired, it is dismissed, another jury selected, and the court proceeds to a new trial. In a case of murder, however, the case cannot be heard the second time unless the accused person consents which is extremely improbable. If the plaintiff is not satisfied with the decision, he may appeal to a higher court.

In a civil case the grand jury takes no action. The one who brings the suit is the plaintiff and the one against whom the suit is brought is the defendant. If the parties cannot settle the dispute with the aid of an attorney, the case is brought before the court. A jury of twelve is

chosen and, if either side is not satisfied, eight more are selected. Each side may reject four and the remaining twelve constitute the jury. If both sides are willing, the judge can decide the case but usually the jury does it. The verdict is either, "For the plaintiff" or "For the defendant". If not satisfied with the verdict, either side may appeal to a higher court. Besides rendering the verdict, the jury may also fix the amount of damages, and name the party who shall pay them. The damages may be placed upon the defendant, upon the plaintiff, upon the county, or they may be divided among them.