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TITLE: Jurisdiction of Police Judge of city of third class, acting as ex-officio justice of the peace, as to crimes and misdemeanors is over only such offenses as may be committed within the city limites.

August 27, 1937.

Mr. Bryan Howe,
Deputy Clerk,
Sedalia, Mo.

Dear Mr. Howe:

This office is in receipt of your request for an opinion as follows:

"We have been requested by a Justice of the Peace to write for your opinion in regard to the following question:

"Would a Police Judge, sitting as ex-officio Justice of the Peace, have jurisdiction of a crime which was committed outside the city limits of the City of Sedalia?"

Sedalia is a city of the third class. The jurisdiction of a Police Judge in such city is set out in Section 6766 R. S. Mo. 1929, which is as follows:

"The police judge shall be ex-officio a justice of the peace within the limits of the city, with jurisdiction as to crimes and misdemeanors, but shall have no jurisdiction to hear or determine civil matters. The marshal, or in his absence the assistant marshal or any regular policeman, shall be ex-officio a constable to wait upon the police judge when acting as a justice of the peace."

The proceedings in indictable cases for a Police Judge in such city is set out in Section 6767 R. S. Mo. 1929, which is as follows:



"If, in the progress of any trial before the police judge, it shall appear that the accused ought to be put upon his trial for an offense against the criminal laws of the state and not cognizable before him as police judge, he shall immediately stop all further proceedings before him as police judge, and shall cause the complaint to be made before himself as a justice of the peace, or before some other justice of the peace, and the accused shall thereupon be proceeded against in the manner provided by general law. The police judge and marshal, when acting as justice of the peace and constable respectively, shall be entitled to receive therefor the same fees allowed by law for such services."

We are unable to find a decision construing the above statutes, but an interpretation of said Section 6766 shows it is plain and unambiguous.

In the case of State ex. rel Cobb v. Thompson, 5 S. W. (2d) 1. c. 59, in giving a rule on this question, the court said:

"A statute is not to be read as if open to construction as a matter of course. It is only in the case of ambiguous statutes of uncertain meaning that the rules of construction can have any application. Where the language of a statute is plain and unambiguous and its meaning clear and unmistakable, there is no room for construction, and the courts are not permitted to search for its meaning beyond the statute itself. * * *

A standard text states the rule as follows:

If the words (of the statute) are free from ambiguity and doubt and express plainly, clearly and distinctly the sense of the framers of the instrument, there is no occasion to resort to other means of interpretation. It is not allowable to interpret what has no need

need of interpretation. The statute itself furnishes the best means of its own exposition; and if the sense in which words were intended to be used can be clearly ascertained from its parts and provisions, the intention thus indicated will prevail without resorting to other means of aiding in the construction. * * * "

CONCLUSION

It is, therefore, the opinion of this department that the Police Judge of a city of the third class, sitting as "ex-officio a justice of the peace within the limits of the city, with jurisdiction as to crimes and misdemeanors" would have jurisdiction over only such offenses as may be committed within the city limits.

Respectfully submitted,

S. V. MEDLING.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

SVM:LB