

lice Magistrate and is to be in place for service, and yet not to receive any compensation therefor, save a per diem which might be divided, unless he serve the full number of hours. If the Board has a right to refuse to certify unless the Justice actually heard a case, then it could with just as much reason say that if upon reporting to the Station House no cases were ready for trial after the Justice was sent there that he should not be paid for that day. It might as well be said that a Juror is one of the Law Courts who does no work unless empanelled in a case is not entitled to compensation unless so empanelled though he may have held himself in readiness for service all the Court Session.

Surely the Legislature's intent was not to put a preferential Justice in any such position. I cannot believe that the additional Police Justice provided for by Chapter 230 Section 641 of the Acts of 1890 or the two Justices provided for by Section 630 of Chapter 777 Acts 1912 was intended to be the same as one of the Civil Justices whose services can be obtained under Chapter 336, Section 637, Acts 1888. When the Station House Justice's salary was fixed by Section 636, Chapter 28, Acts 1876 there was no additional Justices provided for so that in 1890 when an additional Justice was appointed then the pay was established and the Justice was prohibited from transacting any other business and he was placed under the regulation and control of the Board of Police Commissioners.

The Act of 1912, places two instead of one and continues the same regulation and control. Surely these additional Justices were taken out of the class of substitute Civil Justices provided for under Section 637, Chapter 461, Acts 1880. (Also Acts 1888.)

I am constrained therefore, to believe that it was intended that the additional Police Justice or Justices so far as Compensation is concerned when reporting for duty are entitled to be treated as the regular Police Justice or Magistrate and dis-similar to substitute Civil Justices and consequently are entitled to the same compensation as such Regular Police Justices.