

N

Ridgewood	Glen Rock	Paramus
Fair Lawn	Radburn	Mahwah

Ramsey, Allendale Marshals To Get Fifth Day In Court

Presiding Judge Suggests Having Decision Made By Fellow Justice Of Peace—Lawyers Say No

The Ramsey-Allendale marshal case got involved in a maze of legal technicalities last night, and ended in a fifth postponement from the Ramsey end.

SAYS SUMMONS WAS FAULTY

Although the Ramsey marshal has already been fined in Allendale court, John Comley, the Allendale man is still facing trial on a careless driving charge made by Ramsey police. Before the case got under way last night, presiding Justice of the Peace Elmer Hall said that in view of a recent misquotation in a local paper about his stand in the matter, despite the subsequent retraction by the paper, he would turn the case over to his fellow justice, E. H. Goodnough.

James Muth, counsel for the defense, stated that legally this was not right and that the case should be heard before the first justice. On advice of the State's counsel, Romeo Napolitano, Muth's contention was approved and the case was turned back to Hall.

After that Muth began his list of reasons as to why he thought the case should be dismissed and he made a motion that the whole business be called off. This is an important matter, he said, because it will affect every law enforcement agent in the State. Comley, he contended, was carrying out his duty and therefore should not be brought on trial.

Secondly, the summons that was issued to the defendant bore neither time nor place of the accident on it, he said, making it invalid. The only action the court could take, he said, would be to have the magistrate issue a warrant within a 30-day period.

Napolitano agreed that that would be the legal procedure, and a move was made to serve the warrant on Comley on the spot. But, Muth intercepted, the warrant could not be issued to a defendant going to or from a court proceeding, he said. Again the attorney for the State had to agree.

The matter was left, then, with the magistrate to serve a warrant in the near future, after which Comley will again appear in court. The session lasted 45 minutes. Twenty-five persons watched the proceedings.