

## CHAPTER 51.

## SUB-DIVIDING THE FIRST, FIFTH, AND SEVENTH JUDICIAL CIRCUITS.

Sub. S. F. 10  
and 65.

AN ACT in relation to the First, Fifth, and Seventh Judicial Circuits of the State; Sub-dividing the same, Providing for Appointment and Election of Judges of the Circuit Courts therein, and defining the Powers and Duties thereof.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the first judicial district of this state is hereby divided into two circuits, which shall be known as the first and second circuits of said judicial district, and shall be constituted as follows:

First Judicial  
District di-  
vided into  
two circuits.

The first circuit of the first judicial district, shall be composed of the counties of Lee and Henry.

First circuit.

Second cir-  
cuit.

The second circuit of the first judicial district, shall be composed of the counties of Des Moines and Louisa.

Fifth Judicial  
District di-  
vided into  
two circuits.

SEC. 2. The fifth judicial district of this state is hereby divided into two circuits, which shall be known as the first and second circuits of said judicial district, and shall be constituted as follows:

First circuit.

The first circuit of the fifth judicial district, shall be composed of the counties of Polk and Warren.

Second cir-  
cuit.

The second circuit of the fifth judicial district, shall be composed of the counties of Madison, Adair, Guthrie, and Dallas.

Seventh Judi-  
cial District  
divided into  
two circuits.

SEC. 3. The seventh judicial district of this state is hereby divided into two circuits, which shall be known as the first and second circuits of said judicial district, and shall be constituted as follows:

First circuit.

The first circuit of the seventh judicial district, shall be composed of the counties of Clinton and Jackson.

Second cir-  
cuit.

The second circuit of the seventh judicial district shall be composed of the counties of Scott and Muscatine.

Circuit judges  
now presid-  
ing shall pre-  
side over the  
first circuits.

SEC. 4. From and after the first day of June, in the year 1878, the circuit judges at this date presiding over the circuits as now constituted in the first, fifth and seventh judicial districts respectively, shall be and are hereby assigned to the first circuits of their said respective districts, as herein before created, and during the term to which said circuit judges have been elected, and are now acting, the said circuit judges shall have and exercise jurisdiction within said respective first circuits to which they are by this act severally assigned, with same authority, powers and jurisdiction as though the subdivisions made by this act had been made and been in force at the date of their several elections as aforesaid, and any vacancy occurring in said first circuits, shall be filled for said first circuits in the same manner as now provided by law for filling vacancies in judicial circuits.

Vacancies.

SEC. 5. Within thirty days from the taking effect of this act, the governor shall appoint a circuit judge for each of the several

second circuits by this act created, who shall, within thirty days thereafter, severally qualify as circuit judges are now required to qualify, and shall enter upon their duties as circuit judges of said respective second circuits upon the first day of June, in the year 1878. The terms of office of said appointees shall expire on the first day of January, in the year 1879.

Judges for second circuits to be appointed. Terms begin June 1, 1878, and end January 1, 1879.

*Provided*, That any vacancies occurring in said second circuit previous to said first day of January, 1879, shall be filled by appointment by the governor in the manner now provided for filling vacancies in the office of circuit judge.

Proviso: Vacancies.

SEC. 6. The said judges who may be appointed under section five hereof, or elected under the provisions of this act of said second circuits of said judicial districts, shall for and during the period after they enter upon their duties, and up to the first day of January, 1880, hold terms of their said several courts at the times heretofore designated and assigned, and now being the times for holding the terms of the circuit courts in the counties composing said respective second circuits, and they are hereby authorized to hold such special terms in any county for the trial of continued causes pending in said circuit courts as may be ordered by the circuit judge now acting, or that may be appointed for that county.

Terms of court in second circuits to be held as heretofore fixed.

Special terms may be held.

*Provided*, Said order for a special term is made and entered at a regular term of said circuit court; and,

Proviso: when special term shall be ordered.

*Provided further* That said special term shall be for trial of only those causes for which the last preceding regular term was the trial term, or in which both parties consent.

Proviso: special term shall only try certain cases. Election in second circuits in year 1878.

SEC. 7. At the general election to be held in the year 1878 there shall be elected in the counties composing said second circuits, as by this act constituted, a circuit judge of the respective second circuits within which said counties are situated as aforesaid, and notice of the holding of said election shall be included in the proclamation of the governor relating to such general election.

Terms of office of judges in second circuits.

SEC. 8. The term of office of the several judges of the said second circuits of said judicial districts, as hereinbefore created, who shall be first elected under the provisions of this act, shall commence on the first day of January, in the year 1879, and shall expire on the first day of January, in the year 1881.

*Provided*, The governor shall have the same authority to fill vacancies, and the same provisions of law shall apply, and with the same force and effect, to any vacancies occurring in any of said first or second circuits by this act created, as now apply to vacancies in judicial circuits.

Proviso: vacancies to be filled by appointment.

SEC. 9. At the general election to be held in the year 1880, and every fourth year thereafter, there shall be elected a judge of the circuit court for each of the said first and second circuits by this act created, who shall hold his office for the term of four years, and until his successor is elected and qualified.

Term of office of judges in first and second circuits after 1880.

SEC. 10. The judges of the several first and second circuits by this act created, shall have and exercise within the counties constituting their said respective circuits, all the rights, powers

Rights, powers and jurisdiction.

and jurisdiction which are at this date possessed and exercised by the several circuit judges within said counties, and all provisions of law now applicable to the circuit court or to the judge thereof shall apply, and are hereby made to apply, with same force and effect, to said courts within said first and second circuits, and to the judges whose appointment and election are herein provided for, except so far as the same may be inconsistent with the provisions of this act.

**Records.** SEC. 11. The records and books heretofore kept for the business of the circuit courts within and for said counties, shall be continued and used within said respective counties for the same purposes, under the provisions of this act.

**Repealing clause.** SEC. 12. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

**Publication.** SEC. 13. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa, the provisions of section 33, of the Code, to the contrary notwithstanding.

Approved, March 16, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 18, and in the *Iowa State Register*, March 19, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 52.

### ROAD SUPERVISORS.

S. F. 245. AN ACT to Amend Section 990, Chapter 2, Title 7, of the Code of 1873.

*Be it enacted by the General Assembly of the State of Iowa:*

**Code, § 990 amended.** SECTION 1. That section 990, chapter 2, title 7, of the Code of 1873, which is in words and figures, as follows:

**Damages caused by unsafe bridge or highway.** "Section 990. When notified in writing that any bridge or any portion of the public highway is unsafe, the supervisor shall be liable for all damages resulting from the unsafe or impassable condition of the highway or bridge; after allowing a reasonable time for repairing the same."

Be, and the same is hereby amended, by adding thereto the following:

**County bridge.** "And if there is in his district any bridge erected or maintained by the county, then, in that event, he shall, on such notice of the unsafe condition of such county bridge, as soon as he reasonably can, obstruct passage on such bridge and use strict diligence in notifying at least one member of the board of supervisors of his county in writing of the unsafe condition of such bridge; and if he fails so to obstruct and notify, he shall be liable for all dam-

**Liability of supervisor.**