

16 tion against any such corporation for the full amount of his or her
 17 wages due on each regular pay day as herein provided in any court
 18 of competent jurisdiction of this state.

1 **SEC. 2. Violations—penalty.** Any corporation, coming within
 2 the meaning of this act, violating section one of this act shall be
 3 deemed guilty of a misdemeanor and fined in a sum not less than
 4 twenty-five dollars, or more than one hundred dollars, for each sepa-
 5 rate offense and each and every failure or refusal to pay each em-
 6 ploye the amount of wages due him or her at the time, or under the
 7 conditions required in section one of this act, shall constitute a sepa-
 8 rate offense.

Approved April 8, A. D. 1915.

CHAPTER 106.

MUNICIPAL COURTS.

H. F. 12.

AN ACT to provide for municipal courts for certain cities and the adoption thereof by general state or municipal election or by special election: providing for jurisdiction thereof, mode and manner of procedure therein; providing for the election of the judges of such municipal courts and defining their powers and duties: providing for the abolition of the office of justice of the peace, constable and police judge; providing for the manner of preparing and who shall constitute the jury list, manner of drawing jury panels and jurors; also defining certain duties of other officials and providing penalties for the violation thereof:

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

1 **SECTION 1. Municipal courts—limits of city.** That any city,
 2 whether organized under a special charter, commission form of gov-
 3 ernment or the general law for the incorporation of cities or towns,
 4 now or hereafter having a population of twenty thousand or more,
 5 as shown by the last preceding state or United States census, may
 6 establish a municipal court under the provisions of this act by pro-
 7 ceeding as hereinafter provided, and for the purpose of this act,
 8 the territorial limits of any such city shall be held to extend to the
 9 limits and include therein all civil townships in which said city or
 10 any part thereof is located.

1 **SEC. 2. Election.** Upon the petition of not less than fifteen per
 2 cent of the qualified electors as shown by the poll list in the last muni-
 3 cipal or state election of any such city or municipal court district,
 4 being filed with the city clerk, the mayor shall, by proclamation, pub-
 5 lished once a week for three consecutive weeks in two newspapers
 6 of general circulation published in said municipality, or, if two such
 7 newspapers be not published, then in one such newspaper, submit
 8 the question of establishing a municipal court as provided in this
 9 act, at a general state or municipal election or special election to
 10 be held at a time specified therein, which time shall be within two

11 months after said petition is filed. If the said proposition is not
12 adopted at such election, said question shall not be re-submitted to
13 the voters of said city, within two years thereafter, and then said prop-
14 osition may be re-submitted as above provided.

1 **SEC. 3. Question submitted, etc.** At such election the propo-
2 sition to be submitted shall be, "Shall the proposition to establish a
3 municipal court in the city of (name of city) under chapter (naming
4 chapter containing this act) of the acts of the thirty-sixth general
5 assembly be adopted?" The election shall be conducted, the vote
6 canvassed and the result declared in the same manner as provided
7 by law, in respect to other municipal elections. If the majority of
8 the vote cast on said proposition shall be in favor thereof, said muni-
9 cipal court shall be established. Immediately after such proposition
10 is adopted, the mayor shall transmit to the governor, the secretary
11 of state and the county auditor, each, a certificate showing that
12 such proposition was adopted. At the next regular municipal elec-
13 tion after the adoption of such proposition there shall be elected the
14 judge or judges of said municipal court and the clerk and bailiff
15 thereof as hereinafter provided.

16 Nothing in this act shall be construed to forbid the same person
17 acting as judge and clerk of the municipal court, nor the appoint-
18 ment of a member of the police force to act as bailiff, in which event
19 the city council shall decide whether the salaries of clerk and bailiff
20 shall be paid.

1 **SEC. 4. Laws applicable.** All laws governing district courts,
2 superior courts, justice courts, mayor's courts and police courts, not
3 inconsistent with the provisions of this act shall apply to and govern
4 the municipal courts organized under this act.

1 **SEC. 5. Inferior courts abolished.** That after the adoption of
2 the proposition to establish a municipal court under the provisions
3 of this act, and upon the election and qualification of the officers
4 herein provided for, the police court, mayor's court, justice of the
5 peace court and the superior court in and for the territory within
6 the municipal court district, shall be abolished and the offices of
7 police judge, clerk of police court, justices of the peace, constables,
8 superior judge and clerk of superior court shall likewise be abol-
9 ished; and when said offices shall be abolished the dockets of such
10 courts and all records and papers in their possession pertaining to
11 any proceedings had before them shall be forthwith delivered to
12 the clerk of the municipal court, who shall preserve same in his
13 office and who shall have full power and authority to certify and
14 transcript such proceedings, as appear in the said dockets and rec-
15 ords and papers of the said courts, and all subsequent proceedings
16 in any cause of action then pending in any of the said courts so
17 abolished, shall be carried out in the said municipal court in the
18 manner herein provided for, the same as if the said cause had origi-
19 nated in said municipal court.

1 **SEC. 6. Number of judges—clerk and bailiff—tenure.** There
2 shall be one municipal judge for every thirty thousand inhabitants,
3 or major fraction thereof, as shown by the last state or United

4 States census in any city hereafter establishing a municipal court
5 under the provisions of this act, provided that the inhabitants of
6 any civil township in which said city or any part thereof is lo-
7 cated, shall be counted in determining the number of judges. In
8 every city, establishing a municipal court, as herein provided, there
9 shall be nominated at the following city primary, and elected at
10 the following city election, a judge or judges of said municipal court,
11 a clerk and a bailiff thereof, as hereinafter provided. Provided,
12 however, that when the territorial limits of any municipal court
13 extend beyond the city limits to the borders of any township in
14 which any such city is located as herein provided, then the primary
15 and general election shall be held on the same day and subject to
16 the same requirements as said city primary and election. They shall
17 qualify and their term of office shall begin on the first Monday after
18 their election. The term of office of each judge and of the clerk and
19 bailiff shall be four years.

1 **SEC. 7. Judges—qualifications.** Each of said judges shall be
2 a qualified elector residing in such municipal court district and be a
3 practicing attorney at law, and shall subscribe to the same oath re-
4 quired of the judges in the district court of the state of Iowa and
5 shall file the same with the city clerk.

1 **SEC. 8. Clerk—qualifications—duties.** The clerk of said court
2 shall be a qualified elector of said municipal court district. The
3 duties of the clerk shall be to have charge of all the books, papers
4 and records filed or kept in the municipal court and to collect all
5 costs, receive and disburse all moneys paid into said court; and to
6 do and perform all necessary acts similar to those incumbent upon
7 the clerk of the district court and not inconsistent with the provi-
8 sions of this act.

1 **SEC. 9. Bailiff—duties.** The bailiff of said court shall be a quali-
2 fied elector of said municipal court district. The bailiff shall have
3 control and have supervision of the court rooms and shall execute
4 or direct the execution of all orders, writs, notices or processes com-
5 ing into said court, or authorized or directed by a judge thereof;
6 and shall do and perform all acts similar to those incumbent upon
7 constables and sheriffs. He shall have control of and be responsible
8 for all persons in his custody and while in the court rooms, and it
9 shall be his duty to preserve order during every session of the said
10 court. All regular police officers shall be ex-officio special bailiffs
11 when so ordered by a judge of said court, without other compensation
12 than that paid for their services as police officers.

1 **SEC. 10. Deputy clerks and bailiffs—appointment—salary.**
2 The clerk and bailiff, with the approval of the city council, shall each
3 have power to appoint such deputies as may be necessary to trans-
4 act the business of the municipal court, and the city council shall fix
5 the salary to be paid to such deputies. When such deputy officers
6 are appointed and their appointment approved they shall take the
7 same oath as that required of the clerk and the bailiff.

1 **SEC. 11. Bonds.** The judges of said municipal court, the clerk,
2 the deputy clerk or clerks, if any, the bailiff, and the deputy bailiff

3 or bailiffs, if any, shall give such bonds as may be required by the
4 city council, which bonds shall be filed with and approved by the
5 city clerk.

1 **SEC. 12. Nominations—laws applicable.** All candidates for
2 judge of said municipal court or for clerk or bailiff thereof, to be
3 voted for at the general municipal election at which judges of the
4 municipal court, the clerk and the bailiff thereof are to be elected
5 under the provisions of this act, shall be nominated by primary
6 election and no names shall be placed upon the general ballot, except
7 those selected in the manner hereinafter prescribed. The primary
8 election for such nomination shall be held at the same time as and
9 be a part of the primary election, nominating other candidates for
10 municipal offices to be elected at the following general municipal
11 election. All laws governing the affidavits required to be filed by
12 candidates for municipal offices and the petitions of such candidates
13 applicable to nomination and election of municipal officers elected
14 in cities operating under the commission plan form of government
15 of cities as provided in chapter 51, laws of the thirty-second general
16 assembly of Iowa, and laws amendatory thereto, and not inconsistent
17 with the provisions of this act shall apply to and govern the nomina-
18 tion and election of the judge or judges of municipal courts and the
19 clerk and the bailiff thereof as herein provided.

1 **SEC. 13. Separate ballots—number nominated.** At all primary
2 elections at which a judge or judges of municipal court, the clerk
3 or bailiff thereof are to be nominated, there shall be separate ballots,
4 upon which shall be placed the names of the candidates for offices,
5 which ballot shall be entitled the "Municipal Judiciary Primary Bal-
6 lot," and the names of such candidates shall be placed thereon in al-
7 phabetical order and without party designation and there shall be
8 designated thereon the number of judges each elector is entitled to
9 vote for. This ballot shall be delivered to each elector by proper
10 election officers and the candidates on such ballot, to the extent of
11 double the number of those to be elected, provided there are that
12 many or more candidates for such office or offices, receiving the high-
13 est number of votes, shall be duly nominated.

1 **SEC. 14. General election—ballots.** At the general municipal
2 election, there shall be a separate ballot on which shall be placed
3 the names of candidates nominated for judge or judges of the muni-
4 cipal court, the clerk or the bailiff of said court, who have been
5 nominated as herein provided, which ballot shall be entitled the
6 "Municipal Judiciary Ballot." The names of all candidates shall be
7 placed thereon in alphabetical order without party designation and
8 there shall be designated thereon the number of judges for which
9 each elector is entitled to vote. This ballot shall be delivered to each
10 elector and the candidates on each ballot, to the number of those to
11 be elected, receiving the highest number of votes, shall be duly
12 elected.

1 **SEC. 15. General election laws applicable.** The method of con-
2 ducting such primary and general election and the canvassing and
3 announcing the result, of recounting the ballots, of proper notice of

4 nomination and election and the penalties for illegal voting and
5 misconduct of election officials, the hire of services and the making
6 of sworn return of election expense shall be the same as now pro-
7 vided by the general primary and general election laws of the state
8 of Iowa and of cities operating under the commission plan form of
9 government.

1 **SEC. 16. Vacancies.** If any vacancy occurs in the office of muni-
2 cipal judge, the governor of the state of Iowa shall appoint such
3 officer to fill such vacancy who shall hold the office until the next
4 regular city election or until his successor to fill the unexpired term
5 is elected and qualified. In case of vacancy in any other elective
6 office herein provided, the mayor, by and with the consent of the
7 city council, shall make such appointment. In case of inability of
8 any judge to act, any other judge of any municipal or district court
9 in the county may hold court during such inability or the governor
10 of the state of Iowa may appoint a judge to hold court during such
11 inability, which judge shall have the same qualifications as the regu-
12 larly elected municipal judge and shall receive the same salary as
13 the regular judge would have received, which shall be paid in the
14 same manner as the salary of the regular judge.

1 **SEC. 17. Sessions—correction of judgments, etc.** There shall be
2 no terms of court and the court shall be open for business twelve
3 months of the year, and there shall always be at least one judge
4 present each day to hold court and to issue such writs and orders as
5 are required. Provided, however, that if it shall be necessary to
6 appoint another judge to act during any absence, that such judge
7 so appointed shall receive as compensation for his services so ren-
8 dered a sum equal to the salary of the regular judge and payable
9 in the same manner. Grounds for, and the practice governing the
10 correction, vacation, or modification of final judgment or order of
11 said court, and the granting of new trial, shall be the same, so far
12 as may be, as in the district court; and the jurisdiction of said court
13 shall be considered as retained by it for correction of errors of the
14 court, or in the record, for a period of ten days following the en-
15 try of final judgment, except that execution may issue upon the
16 entry of final judgment unless stayed by order of court for a peri-
17 od not exceeding such ten days, or by appeal perfected by notice
18 and supersedeas.

1 **SEC. 18. Jurisdiction.** Said municipal court shall have concur-
2 rent jurisdiction with the district court, in all civil matters, where
3 the amount in controversy does not exceed one thousand (\$1000.00)
4 dollars, except in probate matters, actions for divorce, alimony,
5 separate maintenance, those directly affecting the title to real estate,
6 and juvenile proceedings, and said court shall have no power to
7 grant injunctions, except where the issuance of the writ is auxiliary
8 to the other relief demanded and of which the court has jurisdic-
9 tion. Said court shall have all criminal jurisdiction that is now or
10 hereafter may be conferred on justice of peace, mayor's courts and
11 police courts. Prisoners may be committed to the city prison or any
12 other place or institution for confinement or punishment instead of

13 the county jail or may be paroled or their sentence suspended, at
14 the option of the judge.

1 **SEC. 19. Causes of action—division.** Causes of action in the
2 municipal court shall be divided in the following classes:

3 Class "A" shall include all equitable actions and all ordinary ac-
4 tions, when the amount in controversy exceeds \$100.00, and all special
5 actions of which this court has jurisdiction.

6 Class "B" shall include all ordinary actions when the amount in
7 controversy is \$100.00 or less.

8 Class "C" shall include the trial of all public offenses of which this
9 court has jurisdiction other than for the violation of the city or-
10 dinances.

11 Class "D" shall include all criminal actions for the violation of
12 city ordinances.

1 **SEC. 20. Applicability of general laws.** All statutes governing
2 the district court as to pleading and practice, parties, evidence, com-
3 mencement of actions, jurisdiction, process, modes of trial, judgment,
4 execution, attachment, garnishment, replevin and limitation of ac-
5 tions, shall apply to and govern the municipal court except when the
6 same are inconsistent with the provisions of this act.

1 **SEC. 21. Pleadings.** All pleadings in class "A" cases shall be in
2 writing and in substantially the same form as in the district court,
3 and the petition must be filed with the clerk of the municipal court
4 not less than five days before the date set in the original notice for
5 the appearance of the defendant. The time for filing all subsequent
6 pleadings shall be the same as in the district court unless a different
7 time is prescribed by the judge or judges of the municipal court in
8 the rules thereof. The pleadings in class "B" cases shall be the
9 same as is now or may hereafter be provided for the trial of civil
10 cases in justice of the peace courts, except as otherwise provided for
11 herein.

1 **SEC. 22. Commencement of actions.** Civil actions in municipal
2 court are commenced by voluntary appearance or by written notice.
3 If by notice, the same shall be addressed to the defendant or de-
4 fendants by name, but if his name is unknown, a description of him
5 will be sufficient. It must be subscribed by the plaintiff or his at-
6 torney. The notice must state the amount for which the plaintiff
7 will take judgment if the defendant does not appear and answer
8 at the time and place stated in the original notice, which shall be
9 not less than five nor more than fifteen days after the service there-
10 of. It must further state the date on or before which the petition
11 will be filed with the clerk of the municipal court, and unless the
12 petition is filed with the clerk of the municipal court on or be-
13 fore such date, which shall be at least five days before the return
14 day, the defendant or defendants shall not be held to appear and
15 answer.

1 **SEC. 23. Change of venue.** Changes of venue may be taken from
2 the said court in all civil actions to the district court in the county
3 in which said municipal court is situated or to another county in the

4 same manner, for like causes and with the same effect as the venue
5 is changed in the district court. But in cases where a contract, pay-
6 able in such city, has been signed by a nonresident of such city and
7 suit is brought upon said contract against such nonresident, he may,
8 at his option, upon motion, supported by affidavit showing that he is
9 a nonresident, have the case transferred to the district court of
10 that county at any time before trial.

1 **SEC. 24. Criminal actions.** All criminal actions for the viola-
2 tion of city ordinances, shall be tried summarily and without a jury,
3 saving to the defendant the right of appeal to the district court,
4 which appeal shall be taken in the same time and manner as appeals
5 are taken from justices' courts and police courts, in criminal ac-
6 tions. All other criminal actions shall be triable in the same manner
7 as are now or may hereafter be made triable by justice of the peace
8 or other courts having jurisdiction thereof.

1 **SEC. 25. Court of record.** The municipal court shall be a court
2 of record and shall have a seal. Within the jurisdiction of the
3 municipal court, the judges shall have the same power in regard to
4 injunctions, writs, orders and other proceedings in court and out
5 of court as are possessed by the judges of the district court. The
6 judges of the municipal court shall have power to make and enforce
7 rules of practice and procedure for the conduct of affairs of the court.
8 The records to be kept by said court, shall be in substantially the
9 same form as provided for the district court.

1 **SEC. 26. Procedure.** If the method of procedure in any case
2 within the jurisdiction of the municipal court is not sufficiently
3 prescribed by this act or by any rule of court adopted in pursuance
4 hereof, the court may make such provision for conducting and dis-
5 posing of the same as may appear to the court proper for the
6 just determination of the rights of the parties.

1 **SEC. 27. Fees—costs—how accounted for.** Unless otherwise pro-
2 vided in this act, the fees, costs and expense payable in said court
3 shall be the same as in the district court and where no provision is
4 made therefor in the district court, then the fees, costs and expense
5 shall be the same as in the courts of justices of the peace. All fees,
6 fines, forfeitures, costs and expense paid to the clerk and bailiff,
7 shall be paid one-half to the city treasurer and one-half to the coun-
8 ty treasurer on or before the 10th day of each succeeding month.

1 **SEC. 28. Witness fees.** The witness fees allowed in the muni-
2 cipal court shall be the same as in the district court in all cases in-
3 cluded in class "A". The witness fees to be taxed in all cases aris-
4 ing in classes "B", "C", and "D" shall be the same as in courts of
5 justices of the peace, provided, however, that no regular police of-
6 ficer of such city, no clerk or his deputy and no bailiff or his deputy
7 shall be allowed a witness fee in cases arising in classes "C" and
8 "D".

1 **SEC. 29. Jury.** That in each municipal district where municipal
2 courts shall have been established, the jury lists shall be prepared,
3 jury panels drawn, the juries summoned and the jurors in each case
4 drawn in the manner hereinafter provided.

1 **SEC. 30. Jury commission.** The city clerk, the city auditor and
2 the clerk of the municipal court shall constitute the jury commission
3 for that municipal court district and each such officer shall be a jury
4 commissioner during his term of office. The oath of office admin-
5 istered to each officer on entering upon the duties of their respective
6 offices, shall also apply to their duties as jury commissioners and
7 the bond given by each such officer shall thereafter, in addition to
8 the conditions otherwise required by law, be conditioned upon the
9 faithful discharge of all the duties of the jury commissioners dur-
10 ing their term of office.

1 **SEC. 31. Jurors—qualifications—challenges.** All persons se-
2 lected to serve as jurors in each such municipal court district shall
3 have the same qualifications and exemptions and shall be subject to
4 the same challenges as jurors in the district court of the state of
5 Iowa; but jurors in the district court shall be exempt from any jury
6 service in the municipal courts.

1 **SEC. 32. Jury lists—preparation.** Said jury commissioners shall
2 be provided with a poll list of such municipal court district of the
3 last preceding municipal court election, and shall, before the last
4 Monday in April following and every two years thereafter, prepare
5 a list of all electors, possessing the necessary legal qualifications for
6 jury service as herein provided to be known as the "Jury List."
7 The name of each person on said list shall be entered in alphabetical
8 order in a book or books to be kept for that purpose, and opposite
9 each name there shall be entered the age of said person, his occupa-
10 tion and his place of residence, giving his street and number. The
11 custody of said book or books shall be in the city clerk and shall be
12 open to the public for inspection and investigation at all times. This
13 jury list may be revised and amended annually in the discretion of
14 the jury commission or upon order of the municipal court. The
15 jury commission shall keep record of such changes or correction in
16 said jury lists as shall come to the knowledge of each or any jury
17 commissioner and said jury commission shall annually before the
18 last Monday in April of each year, amend said jury list by striking
19 the names of such electors as shall be disqualified for jury service.
20 Provided further that when the territorial limits of any municipal
21 court extends beyond the city limits to the borders of the township
22 in which said city is located, as herein provided, that the "jury list"
23 shall also include the qualified electors in such additional territory,
24 as shown by the last municipal court or general election.

1 **SEC. 33. Examination as to qualifications of jurors.** The boards
2 of registration of such municipality, or in event there are no such
3 boards, then the election boards in each voting precinct, when so
4 directed by the jury commission, shall make such examination of
5 the electors of their respective precincts, touching their qualifications
6 for jury service as said jury commission may lawfully require, which
7 examination shall be under oath and a complete record thereof be
8 made and preserved in a book or books provided for that purpose
9 and when completed and properly certified by said boards, they
10 shall deliver the same to the city clerk to be by him kept and pre-
11 served.

1 **SEC. 34. Jurors—how names prepared and drawn.** When the
2 jury commission shall have prepared the jury list as herein pro-
3 vided, they shall write each name on a separate ticket, with the age,
4 place of residence, occupation of each, if known, each ticket to be
5 of uniform size, color and material and folded uniformly and in such
6 a manner that same can not be read without unfolding, and placed
7 in separate envelopes of uniform size, color and material, without
8 any mark of identification whatsoever, which envelope shall then
9 be sealed and the whole put in a drum or box to be kept for that
10 purpose to be known as the "Jury Box," which jury box shall have
11 but one opening and that only large enough to insert the hand, and
12 shall be so constructed that when revolved upon an axis, the ballots
13 therein contained shall be thoroughly mixed. After said ballots have
14 been placed in said jury box, the same shall be closed and securely
15 sealed, the separate seal of each jury commissioner being attached
16 thereto, which jury box shall not be opened thereafter except in
17 open court in the presence of a judge and of each jury commissioner.
18 The custody of said jury box shall be in the clerk of the municipal
19 court. After any drawing of names from the jury box as herein-
20 after provided, the said jury box shall again be closed and sealed in
21 like manner as above provided in the presence of court and when
22 so sealed, shall be returned to the custody of the said clerk of the
23 municipal court.

1 **SEC. 35. Jurors—how drawn.** On the last Monday of each
2 month, in open court and in the presence of a judge of said court
3 and in the presence of the other jury commissioners, the city audi-
4 tor shall, after the jury box containing the names of all persons
5 then legally on the jury list shall have been well shaken, and the
6 names therein contained have been thoroughly mixed, break the seals
7 thereon and then, being blind-folded shall, without partiality and at
8 random, draw from said jury box, an envelope, which, without open-
9 ing, the said city auditor shall pass to the clerk of the municipal
10 court, who shall open same, unfold the ticket therein contained and
11 read same aloud so that all may hear, which shall then be passed to
12 the city clerk who shall make a record thereof. Thereafter other
13 names shall be drawn in like manner as before until such number
14 of names as the majority of the judges shall have ordered drawn
15 for jury service, shall have been drawn, which persons shall con-
16 stitute the jury panel for that month; provided that if for any rea-
17 son it seems probable that a jury cannot be secured from the regular
18 panel, the judge or a majority of the judges shall order such number
19 of additional jurors drawn as he or they may deem necessary, which
20 drawing shall be in open court and in like manner as hereinbefore
21 provided; provided, further, that should the name of any person
22 known to be dead, a non-resident, one absent from the state, one un-
23 able to attend on account of illness or who is legally disqualified to
24 be drawn, such name shall not be included in the panel and other
25 names shall be drawn until the required number shall have been se-
26 lected. The name of any person excluded by the provisions of this
27 section from the jury panel, shall, after the month and before the
28 drawing for the following month, be replaced in said jury box. The

29 jury panel as drawn on the last Monday of each month shall constitute
30 the jury panel for the succeeding month beginning on the first Mon-
31 day of each month.

1 **SEC. 36. Setting aside jury panel.** Whenever the court is satis-
2 fied that the jury commission has failed in any material respect to
3 perform the duties required of them or that any improper influence
4 has in any manner reached them and influenced the selection of the
5 jury panel, the court may set aside the said panel and order new
6 panels drawn and in the same manner as herein provided for the
7 selecting of said jury panel.

1 **SEC. 37. Jury summons.** The clerk of the municipal court shall
2 forthwith issue a summons to each person drawn as herein pro-
3 vided, which summons shall be at once served by the bailiff or other
4 officer in the manner provided by law, to appear in court on the first
5 Monday of the succeeding month and when such jurors shall have
6 appeared the jurors shall be selected in each cause of action as here-
7 inafter provided, at which time the name of each juror shall be
8 called and all excuses heard and determined by the court.

1 **SEC. 38. Jurors to serve during but one month.** When the jury
2 for each month shall be discharged the clerk of the municipal court
3 shall certify to the city clerk the names of all persons who have
4 served during said month, a complete record of which shall be made
5 and kept by the city clerk showing the name, service and date of
6 service of each juror, and the names of all who have so served shall
7 then be checked off from said jury list and not again be placed there-
8 on until the new jury list shall be prepared by the jury commission-
9 ers on or before the last Monday in April of the year following the
10 next succeeding municipal election. The names of all jurors who
11 have been excused from service because of sickness or other reason
12 and also those who were not drawn or accepted for jury service dur-
13 ing the term of court and who possess the legal qualifications for
14 jury service, shall be again placed in the jury box before drawing
15 the jury for the following month.

1 **SEC. 39. Jury—how drawn.** When the jury panel shall have been
2 selected as herein provided, the clerk of the municipal court shall
3 prepare the names on said panel for drawing in the same manner
4 as herein provided for preparing the names on the jury list by the
5 jury commissioners, placed in a like jury box as hereinbefore provided,
6 which box shall then be closed and sealed with the separate seal
7 of the clerk of the municipal court attached thereto. This box shall
8 be kept in the custody of the clerk of the municipal court and shall
9 not be thereafter opened except in open court and in the presence
10 of a judge of the municipal court and only when so ordered by such
11 judge and then only for the purpose of drawing a jury or inserting
12 the names of jurors so discharged which names shall have been first
13 prepared in a like manner as above provided. After said jury box
14 shall have been opened for any purpose, it shall in open court and in
15 the presence of a judge, be resealed by the clerk of the municipal
16 court. When ordered by the judge the clerk of the municipal court,
17 in open court and in the presence of the attorneys of all parties

18 litigant in pending cause of action and after the names contained
19 in said jury box shall have been thoroughly mixed, the clerk of the
20 municipal court shall break the seal on said jury box and impartial-
21 ly and at random draw an envelope therefrom, which he shall open
22 and read aloud so that all persons may hear; then other names shall
23 be drawn in like manner as before, until the required number shall
24 have been drawn, which persons shall constitute the jury for the
25 pending cause of action, provided, that should any person so drawn
26 be absent from court, be excused from service or be disqualified
27 for service in the pending trial because of being challenged, other
28 names shall be drawn in like manner as before until the required
29 number of jurors are selected; provided, further, that the names of
30 all persons so excused, absent or disqualified, shall at once, in the
31 presence of the court, be prepared as hereinbefore provided and be
32 replaced in the jury box, after which the same shall be sealed as
33 above provided; provided, further, that if for any reason the num-
34 ber of jurors required by law cannot be secured from the jury
35 panel, the judge of such court shall order such number of addi-
36 tional names as he shall deem necessary to be drawn by the jury com-
37 missioners from the jury list as herein provided and when so drawn,
38 summons shall issue for their attendance in court; provided that the
39 clerk of the municipal court may deputize a deputy who may law-
40 fully seal the petit jury box as herein provided; provided that when
41 any party to a pending trial has reason to believe that irregularities
42 exist in preparing the names of the jury panel in said jury box,
43 may demand of the court an examination thereof; and any party to
44 a pending trial may lawfully refuse to proceed with the trial until
45 such examination of said jury box shall have been made in open court
46 and then not until the names of said jury panel shall have been pre-
47 pared and inserted in said jury box in a manner provided by law.

1 **SEC. 40. Commission—no additional compensation.** Members
2 of the jury commission shall, without additional compensation to that
3 by law provided, perform all of the duties of the jury commissioners
4 in addition to their respective duties as now or hereinafter shall be
5 provided by law. The city council shall, if necessary, be empowered
6 to expend a reasonable sum necessary for expenses incident to the
7 transaction of the duties of the jury commission.

1 **SEC. 41. Improperly influencing selection of jury.** Any person
2 who shall seek in any manner, to influence the action of the jury com-
3 mission or who shall seek the position of juror or who shall ask any
4 jury commissioner or any attorney or any officer of the court or any
5 other person to secure his selection as juror, shall be guilty of
6 contempt of court and punished as by law provided. Any attorney
7 or party to a suit pending in said municipal court who shall request or
8 solicit the place of any person upon the jury, shall in addition to the
9 other penalties provided by law, likewise be guilty of contempt of
10 court and be punished as by law provided and any person so soliciting
11 or sought to be put upon the jury shall be disqualified to serve as a
12 juror. Any official having anything to do in any manner whatsoever
13 with the making of the jury list, the selecting of the jury panel or
14 the drawing of the jurors who shall neglect or fail to carry out or shall

15 in any unlawful manner carry out or attempt to carry out any of the
16 provisions of the law relating to the selection of juries, shall, except
17 when otherwise provided by law, be guilty of misdemeanor and shall
18 be punished by a fine of not more than one hundred (\$100.00) dollars
19 or thirty (30) days in jail or both and conviction therefor shall be
20 grounds for removal from office.

1 SEC. 42. **Jurors—compensation—demand for jury.** The jurors
2 provided for herein shall receive two dollars per day for each day
3 of actual service in said court. In all cases where the case is tried
4 by a jury, the jury shall consist of six legally chosen and selected
5 jurors. Upon request of either party to any cause of action in class
6 "A", triable by jury, the jury may consist of twelve jurors, provided,
7 however, that the party so requesting such jury, shall pay in ad-
8 vance to the clerk of said court an extra fee of six dollars there-
9 for. The judges of said court may, by rule of court, provide time
10 at which the parties to each cause of action triable by jury shall make
11 known their demand for a jury and in the event that such demand is
12 not made at the time and in the manner provided for by the rules
13 of said court, said cause of action shall be triable by the court.

1 SEC. 43. **Challenges.** In all civil cases, where the jury shall
2 consist of six jurors the peremptory challenges allowed to either party
3 shall be limited to three each; but where the jury shall consist of
4 twelve jurors, the same number of challenges shall be allowed to
5 either party as is or may be allowed in the district court. Challenges
6 for cause shall be the same as in the district court.

1 SEC. 44. **Instructions.** The judges of said court shall give writ-
2 ten instructions to the jury in all cases triable to juries, provided,
3 however, that if the amount in controversy in any cause of action
4 shall be one hundred dollars or less, the trial judge in each such cause,
5 may, at his option, give either oral or written instructions to the jury.

1 SEC. 45. **Appeals.** All appeals from judgments or orders of said
2 court, or the judge thereof, in civil actions, shall be taken to the
3 supreme court in the same manner, under the same restrictions, with-
4 in the same limitations, within the same time and with the same
5 effect as appeals are now or hereafter may be taken from the district
6 court to the supreme court.

1 SEC. 46. **Judgments—liens.** Judgments of the municipal court
2 may be made liens upon real estate in the county by filing transcript
3 of same in the district court, as is now or hereafter may be pro-
4 vided by the statutes of Iowa in relation to judgments of justices of
5 the peace, and with equal effect, and from the time of such filing
6 they shall be treated in all respects as to their mode of enforcement
7 as judgments rendered in the district court as of that date, and no
8 execution can thereafter be issued from the municipal court on such
9 judgments, and no real property shall be levied on or sold on process
10 issued out of the municipal court. Judgments of the municipal court
11 may be made liens upon real estate in other counties in the same man-
12 ner as judgments in the district courts. Where judgments are not
13 transcribed the municipal court shall have jurisdiction of proceed-
14 ings auxiliary to execution.

1 **SEC. 47. Salary.** The salary of each municipal judge, in cities
2 of 30,000 or more inhabitants, shall be two thousand five hundred
3 dollars (\$2,500.00) per annum, and in cities of less than 30,000
4 inhabitants two thousand dollars (\$2,000.00) per annum.

5 The clerk and the bailiff shall receive a salary of one thousand dollars
6 (\$1,000.00) per annum, each, in cities of less than 30,000 inhab-
7 itants, and one thousand two hundred dollars (\$1,200.00) each, per
8 annum, in cities of 30,000 or more inhabitants. The deputy clerks
9 and deputy bailiffs shall receive such compensation as the city coun-
10 cil may allow.

11 The salaries of municipal judges, clerks and all deputies shall be
12 paid monthly on the first Monday of each month. For the first month
13 such salary shall be paid from the city treasury and the second month
14 such salary shall be paid from the county treasury. Each month
15 thereafter such payments shall alternate from the city to the county
16 treasury in like manner.

1 **SEC. 48. Rooms—apportionment of expense.** The city council
2 shall provide suitable place for holding said court and such other
3 rooms and offices as may be necessary for the transaction of the
4 business of said court. All of the other expenses of maintaining said
5 court not otherwise provided for in this act shall be apportioned and
6 distributed one-half to the city and one-half to the county.

1 **SEC. 49. Reporter.** Each judge of the municipal court, may ap-
2 point a shorthand reporter. All provisions relating to shorthand
3 reporters and their duties in the district court, in so far as applica-
4 ble, shall govern, except their compensation which shall be six dol-
5 lars per day for the time actually employed and shall be paid one-half
6 by the county and one-half by the city as provided in this act. All
7 actions included in class "A" hereof, may be reported the same as
8 in the district court, and the reporters' fees shall be taxed in said
9 action as costs. No reporter shall be provided for in the trial of
10 actions in class "B", unless the party demanding the same shall pay
11 the costs of said reporter to the clerk in advance which shall be taxed
12 as costs in the case. The transcript fees paid reporters will be the
13 same as in the district court, and may be taxed as part of the costs
14 on appeal.

1 **SEC. 50. Abolishing municipal courts.** In any city where mu-
2 nicipal courts, as herein provided, shall have been established, for
3 more than four years such city may abandon such municipal court
4 and accept the provisions of the general law of the state then applica-
5 ble to such cities by proceeding as follows: Upon the petition of
6 not less than fifteen per cent of the qualified electors of such municip-
7 al court district as shown by the poll lists of the last municipal or
8 state election, being filed with the city clerk, the mayor, by proclama-
9 tion, shall submit such proposition at a general election. If the ma-
10 jority of votes cast at such election be in favor of the proposition of
11 abandoning the municipal court, the officers elected at the next suc-
12 ceeding general election shall be those then prescribed by the general
13 law of the state for such cities and townships and upon the qualifica-
14 tion of such officers such municipal courts shall be abolished and the
15 courts provided for by the general law of the state established. The
16 filing of the petition, the manner of conducting such election and the

17 declaring of the result shall be as by law provided for in this act,
18 for the adoption of the municipal courts in so far as the provisions
19 thereof are applicable.

1 **SEC. 51. Election of justices of the peace.** That section 1073 of
2 the code now applicable to justice courts be and the same is hereby
3 amended to read as follows: "In all townships, except such as are
4 included in the territorial limits of municipal courts, there shall be
5 elected by the voters at the general election, two justices of the peace
6 and two constables, who shall hold office two years and be county
7 officers."

1 **SEC. 52. Conflicting acts.** All acts and parts of acts in conflict
2 and not consistent herewith, are hereby repealed.

Approved April 9, A. D. 1915.

CHAPTER 107.

SAVINGS BANK RESERVES.

H. F. 61.

AN ACT to amend the law as it appears in section one thousand eight hundred sixty
(1860) of the code relating to the reserve fund of savings banks.

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

1 **SECTION 1. Reserve.** That the law as it appears in section one
2 thousand eight hundred sixty (1860) of the code, be and the same is
3 hereby amended by striking out the word "commercial" in line four
4 (4) thereof, and substituting therefor the words "sight and de-
5 mand"; and, also by inserting after the words "savings deposits" in
6 line four (4) of said section the words "and time certificates having
7 a fixed and definite time of maturity"; and, also by inserting after
8 the words "savings deposits" in line seven (7) of said section the
9 words "and time certificates having a fixed and definite time of ma-
10 turity"; and, also by striking out the word "commercial" in line sev-
11 en (7) of said section and substituting therefor the words "sight and
12 demand".

Approved April 9, A. D. 1915.