

A BILL

FOR AN ACT TO ABOLISH THE CIRCUIT COURT AND TO ENLARGE THE POWERS AND JURISDICTION OF THE DISTRICT COURT AND TO REORGANIZE THE JUDICIAL DISTRICTS OF THE STATE.

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

SECTION 1. That on after the first day of January, A. D. 1887, the circuit court of the State shall be abolished.

SEC. 2. On and after said first day of January, A. D. 1887, the district court shall be constituted and organized as hereinafter set forth.

SEC. 3. For judicial purposes the State is hereby divided into fifteen districts, as follows :

First. The first district shall consist of the counties of Lee, Des Moines, Henry and Louisa.

Second. The second district shall consist of the counties of Van Buren, Davis, Appanoose, Wayne, Lucas, Monroe and Wapello.

Third. The third district shall consist of the counties of Decatur, Ringgold, Taylor, Adams, Union, Clarke, Madison and Adair.

Fourth. The fourth district shall consist of the counties of Page, Fremont, Mills, Montgomery, Cass and Pottawattamie.

Fifth. The fifth district shall consist of Shelby, Audubon, Guthrie, Dallas, Greene, Carroll and Crawford.

Sixth. The sixth district shall consist of the counties of Warren and Polk.

Seventh. The seventh district shall consist of the counties of Jasper, Marion, Mahaska, Keokuk, Washington and Jefferson.

Eighth. The eighth district shall consist of the counties of Poweshiek, Iowa, Johnson, Linn, Benton, Tama and Marshall.

Ninth. The ninth district shall consist of the counties of Muscatine, Scott, Clinton and Jackson.

Tenth. The tenth district shall consist of the counties of Cedar, Jones, Dubuque, Delaware, Buchanan and Black Hawk.

Eleventh. The eleventh district shall consist of the counties of Boone, Story, Webster, Hamilton, Hardin, Grundy, Franklin, and Wright.

24 *Twelfth.* The twelfth district shall consist of the counties of Clayton, Allamakee,
25 Winneshiek, Howard, Fayettee, Chickasaw, Bremer and Butler.

26 *Thirteenth.* The thirteenth district shall consist of the counties of Floyd, Mitchell,
27 Cerro Gordo, Worth, Hancock, Winnebago, Kossuth and Humboldt.

28 *Fourteenth.* The fourteenth district shall consist of the counties of Calhoun,
29 Pocahontas, Palo Alto, Emmett, Dickinson, Clay, Buena Vista, Sac and Ida.

30 *Fifteenth.* The fifteenth district shall consist of the counties of Lyon, Osceola,
31 O'Brien, Sioux, Cherokee, Plymouth, Woodbury, Monona.

SEC. 4. Each district shall have three judges to be elected from the district at large.
2 The district judge shall be a resident of the district in which he is elected, and shall hold
3 his office for a term of four years. The first election under the provisions of this act shall
4 be at the general election in the year 1886; *provided, however,* that the present acting judges
5 of the district court, and the present acting judges of the circuit court whose terms of office
6 shall not have expired on or before said first day of January, 1887, shall be, by virtue of
7 their said office, judges of the district court in and for the districts in which they may
8 severally reside, and until the terms for which such judges were elected shall expire; only
9 so many additional judges shall be chosen under the provisions of this act as shall be
10 required (if any) to make a total number of three judges in each district.

SEC. 5. The judges shall hold the district courts in the several counties of their districts
2 at all the places where district courts or circuit courts are now authorized to be held. They
3 shall hold their courts at such times and in such order as shall best dispose of the business
4 thereof and as they may arrange among themselves; *provided, however,* there shall be held
5 not less than four terms a year in each county. In case the judges of any district are
6 unable to agree as to the manner of holding their courts or as to the counties in which they
7 are severally to preside, they shall refer the matter to the Chief Justice of the Supreme
8 Court, who shall assign said judges to such counties as he may determine; and the Chief
9 Justice of the Supreme Court shall also have power to assign any district judge, when not
10 occupied in holding court in his own district, to hold court in any other district in the State
11 where there may arise a necessity therefor.

SEC. 6. On or before the first day of October in each odd-numbered year, the judges shall
2 meet in their respective districts and determine the times and places of holding their courts
3 during the two succeeding calendar years. The plan or schedule thus agreed upon, or
4 ordered by the Chief Justice of the Supreme Court when they cannot agree, shall,
5 before going into effect, be published as now required by law for similar orders of the
6 judges of the district and circuit courts. In preparing said plan or schedule they shall so
7 arrange, if practicable, that each judge shall hold at least one term of court during the
8 year in each of the several counties in his district. The terms of the circuit court which

9 have been set down or assigned for the year 1887, in the several counties of the State, shall
10 be held as terms of the district court.

SEC. 7. The district court, when organized and constituted as contemplated in this chap-
2 ter, shall have original and exclusive jurisdiction of all actions, proceedings and remedies,
3 both civil and criminal, except in cases where exclusive or concurrent jurisdiction is or may
4 hereafter be conferred upon some other court or tribunal by the constitution or laws of the
5 State, and shall have and exercise all the powers usually possessed and exercised by courts
6 of record.

SEC. 8. All the rights, duties, powers and jurisdiction now by law belonging to or vested
2 in, or exercised by the circuit court, shall, upon and after the said first day of January,
3 1887, be transferred to, conferred upon and exercised by the district court; and all causes,
4 proceedings and remedies of every kind, pending or undetermined in the circuit court at
5 said date shall stand for trial or other disposition in the district court as if originally
6 brought therein.

SEC. 9. Upon the abolition of the circuit court as in this act provided, the district court
2 shall succeed to and exercise full authority and jurisdiction over the records of the circuit
3 court, and may enforce all judgments, decrees and orders thereof in the same manner and
4 to the same extent as it may exercise like jurisdiction and authority over its own records;
5 and for the purpose of the issuance of process, and of any and all other acts necessary to
6 the due and efficient enforcement of the orders, judgments and decrees of the circuit court,
7 the records thereof shall be deemed records of the district court. Transcripts and process
8 from the judgments, decrees and records of the circuit court shall be issued by the clerk of
9 the district court and under the seal of his office.

SEC. 10. Where a change of venue is granted on the ground of objection made to the
2 judge, such judge may, in his discretion, send the cause to another county where it can be
3 tried by another judge of the same or another district; or may procure another judge of
4 the same or another district to interchange with him for the trial of such cause.

SEC. 11. The judges of the district courts and the Justices of the Supreme Court shall
2 have power to prescribe uniform rules of practice for the government of the district courts
3 of the State. For that purposes said judges and Justices shall meet in convention at the
4 State capitol on the first Wednesday in January, A. D. 1887, and shall organize by selecting
5 a president, a vice-president, and secretary, from their number, and the Secretary of State
6 shall, upon the requisition of the presiding officer, supply the convention with such sta-
7 tionery as shall be deemed necessary for the dispatch of the business of the convention.
8 When the convention shall have agreed upon such rules, the same shall be signed by the
9 president and countersigned by the secretary of the convention, and filed with the Secre-
10 tary of the State, and the Secretary of State shall cause such rules to be printed, and when

11 so printed he shall forward certified copies thereof to the clerk of the district court in each
12 county of the State. And the clerk shall immediately upon the receipt of such copy of the
13 rules so adopted, such clerk shall spread the same upon the records of said court, and such
14 rules shall continue in force until altered or amended in convention as provided in this act.

SEC. 12. The salary of district judges elected or holding office under the provisions of the
2 constitution of the State and this act, shall be three thousand dollars per year, to be paid
3 from the State treasury in manner now provided by law for the payment of judges of the
4 district and circuit court.

SEC. 13. On and after the first day of January, 1887, the clerk of district court shall have
2 and exercise within his county all the powers and jurisdiction of the court and of the judge
3 thereof, in the following matters :

4 *First.* The appointment of administrators, executors and guardians, and the approval
5 of any and all bonds given by such persons in the discharge of their several trusts.

6 *Second.* The examination and approval of all intermediate or interlocutory accounts
7 or reports of administrators, executors and guardians ; but such approval may be dis-
8 affirmed and set aside by the court at any time for fraud, mistake, or other equitable
9 cause.

10 *Third.* The making of all necessary orders in relation to the personal effects of a
11 deceased person, as contemplated in section 2386 of the Code.

12 *Fourth.* The admission to probate of all domestic wills where no objection is filed or
13 contest made.

14 *Fifth.* The admission to probate of wills which have been duly probated in another
15 State or country, as contemplated in section 2351 of the Code.

16 *Sixth.* The allowance of claims against the estate of a deceased person where notice
17 has been served on the administrator ten days before the hearing and no appearance is
18 made or answer filed.

19 *Seventh.* The making and entering of all orders in matters of guardianship and pro-
20 bate where notice is not by law required.

21 *Eighth.* The approval of deeds and conveyances made pursuant to the order, judg-
22 ment or decree of court.

SEC. 14. Any person deeming himself aggrieved by any order made or entered by the
2 clerk, under the powers conferred in the last preceding section, may have the same reviewed
3 in court by serving written notice of his demand therefor upon the clerk and upon the
4 opposite party in interest within twenty days after the entry of the order complained of.
5 Upon the filing of such notice the clerk shall place the cause or proceeding on the docket
6 (without additional docket fee) for the next ensuing term, and the matter shall stand for
7 hearing or trial *de novo* in open court.

SEC. 15. If upon the day fixed by the clerk for the probate of any will, domestic or foreign (which day may be in vacation), if any person shall appear in person or by attorney, and in writing object to the admission of such will to probate, or signify in writing a desire to contest the same, the clerk shall take no further action therein, except to docket the matter for hearing at the next term of court; and the several parties in interest shall be held to appear at the next term of court for the trial of such contest without further notice.

SEC. 16. The records, orders and judgments made and entered by the clerk as hereinbefore provided and not reversed, set aside or modified by the court, shall stand and be of the same force, validity and effect, and shall be entitled to the same faith and credit as if made by the court or by the judge thereof.

SEC. 17. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

A BILL

FOR AN ACT TO ABOLISH THE CIRCUIT COURT AND TO ENLARGE THE POWERS AND JURISDICTION OF THE DISTRICT COURT AND TO REORGANIZE THE JUDICIAL DISTRICTS OF THE STATE.

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

SECTION 1. That on and after the first day of January, A. D. 1887, the circuit court of the State shall be abolished.

SEC. 2. On and after said first day of January, A. D. 1887, the district court shall be constituted and organized as hereinafter set forth.

SEC. 3. For judicial purposes the State is hereby divided into nineteen districts, as follows :

First. The first district shall consist of the counties of Lee and Des Moines, and shall have two judges.

Second. The second district shall consist of the counties of Henry, Jefferson, Wapello and Van Buren, and shall have two judges.

Third. The third district shall consist of the counties of Davis, Appanoose, Monroe, Wayne, Lucas, Decatur, Clarke and Ringgold, and shall have two judges.

Fourth. The fourth district shall consist of the counties of Adams, Taylor, Montgomery, Page, Mills and Fremont, and shall have two judges.

Fifth. The fifth district shall consist of the counties of Louisa, Washington, Keokuk and Mahaska, and shall have two judges.

Sixth. The sixth district shall consist of the counties of Poweshiek, Jasper, Marion and Warren, and shall have two judges.

Seventh. The seventh district shall consist of the county of Polk, and shall have three judges.

Eighth. The eighth district shall consist of the counties of Dallas, Madison, Guthrie, Adair, Union, Audubon, Cass and Shelby, and shall have three judges.

Ninth. The ninth district shall consist of the counties of Pottawattamie, Harrison, Monona and Woodbury, and shall have three judges.

Tenth. The tenth district shall consist of the counties of Muscatine, Scott, Clinton and Jackson, and shall have three judges.

Eleventh. The eleventh district shall consist of the counties of Linn, Jones and Cedar, and shall have two judges.

25 *Twelfth.* The twelfth district shall consist of the counties of Johnson, Iowa, Benton,
26 and Tama, and shall have two judges.

27 *Thirteenth.* The thirteenth district shall consist of the counties of Marshall, Story,
28 Boone, Hardin, Hamilton, Franklin and Wright, and shall have three judges.

29 *Fourteenth.* The fourteenth district shall consist of the counties of Greene, Carroll,
30 Crawford, Webster, Calhoun, Sac, Ida, Humboldt and Pocahontas, and shall have three
31 judges.

32 *Fifteenth.* The fifteenth district shall consist of the counties of Dubuque, Clayton
33 and Allamakee, and shall have two judges.

34 *Sixteenth.* The sixteenth district shall consist of the counties of Delaware, Buchanan,
35 Black Hawk, Grundy, Butler and Bremer, and shall have two judges.

36 *Seventeenth.* The seventeenth district shall consist of the counties of Fayette, Win-
37 neshiek, Howard, Chickasaw, Mitchell and Floyd, and shall have three judges.

38 *Eighteenth.* The eighteenth district shall consist of the counties of Worth, Cerro
39 Gordo, Winnebago, Hancock, Kossuth, Emmet, Palo Alto, Dickinson and Clay, and
40 shall have two judges.

41 *Nineteenth.* The nineteenth district shall consist of the counties of Buena Vista,
42 Cherokee, Plymouth, O'Brien, Sioux, Osceola and Lyon, and shall have two judges.

43 No two judges herein provided for shall be residents of the same county, except in such
44 districts as shall consist of but one county.

 SEC. 4. The district judge shall be a resident of the district in which he is elected, and
2 shall hold his office for a term of four years. The first election under the provisions of this
3 act shall be at the general election in the year 1886; provided, however, that the present act-
4 ing judges of the district court and the present acting judges of the circuit court, whose
5 terms of office shall not have expired on or before said first day of January, 1887, shall be
6 by virtue of their said office, judges of the district court in and for the districts in which
7 they may severally reside, and until the terms for which said judges were elected shall
8 expire; only so many additional judges shall be chosen under the provisions of this act as
9 shall be required (if any) to make the number of judges to which such district is entitled
10 under the provisions of this act.

 SEC. 5. The judges shall hold the district courts in the several counties of their districts
2 at all the places where district courts or circuit courts are now authorized to be held. They
3 shall hold their courts at such times and in such order as shall best dispose of the business
4 thereof, and as they may arrange among themselves; provided, however, there shall be held
5 not less than four terms a year in each county. In case the judges of any district are
6 unable to agree as to the manner of holding their courts or as to the counties in which they
7 are severally to preside, they shall refer the matter to the Chief Justice of the Supreme

8 Court, who shall assign said judges to such counties as he may determine; and the Chief
9 Justice of the Supreme Court shall also have power to assign any district judge, when not
10 occupied in holding court in his own district, to hold court in any other district in the
11 State where there may arise a necessity therefor.

SEC. 6. On or before the first day of October in each odd-numbered year, the judges shall
2 meet in their respective districts and determine the times and places of holding their courts
3 during the two succeeding calendar years. The plan or schedule thus agreed upon, or
4 ordered by the Chief Justice of the Supreme Court when they cannot agree, shall, before
5 going into effect, be published as now required by law for similar orders of the judges
6 of the district and circuit courts. In preparing said plan or schedule they shall so
7 arrange, if practicable, that each judge shall hold at least one term of court during the
8 year in each of the several counties in his district. The terms of the circuit court which
9 have been set down or assigned for the year 1887, in the several counties of the State, shall
10 be held as terms of the district court.

SEC. 7. The district court, when organized and constituted as contemplated in this chap-
2 ter, shall have original and exclusive jurisdiction of all actions, proceedings and remedies,
3 both civil and criminal, except in cases where exclusive or concurrent jurisdiction is or may
4 hereafter be conferred upon some other court or tribunal by the constitution or laws of the
5 State, and shall have and exercise all the powers usually possessed and exercised by courts
6 of record.

SEC. 8. All the rights, duties, powers and jurisdiction now by law belonging to or vested
2 in, or exercised by the circuit court, shall, upon and after the said first day of January,
3 1887, be transferred to, conferred upon and exercised by the district court; and all causes,
4 proceedings and remedies of every kind, pending or undetermined in the circuit court at
5 said date shall stand for trial or other disposition in the district court as if originally
6 brought therein.

SEC. 9. Upon the abolition of the circuit court as in this act provided, the district court
2 shall succeed to and exercise full authority and jurisdiction over the records of the circuit
3 court, and may enforce all judgments, decrees and orders thereof in the same manner and
4 to the same extent, as it may exercise like jurisdiction and authority over its own records;
5 and for the purpose of the issuance of process, and of any and all other acts necessary to
6 the due and efficient enforcement of the orders, judgments and decrees of the circuit court,
7 the records thereof shall be deemed records of the district court. Transcripts and process
8 from the judgments, decrees and records of the circuit court shall be issued by the clerk of
9 the district court and under the seal of his office.

SEC. 10. Where a change of venue is granted on the ground of objection made to the
2 judge, such judge may, in his discretion, send the cause to another county where it can be

3 tried by another judge of the same or another district ; or may procure another judge of
4 the same or another district to interchange with him for the trial of such cause.

SEC. 11. The judges of the district courts and the justices of the Supreme Court shall
2 have power to prescribe uniform rules of practice for the government of the district courts
3 of the State. For that purpose said judges and justices shall meet in convention at the
4 State capitol on the first Wednesday in January, A. D. 1887, and shall organize by selecting
5 a president, a vice-president, and secretary, from their number, and the Secretary of State
6 shall, upon the requisition of the presiding officer, supply the convention with such station-
7 ery as shall be deemed necessary for the dispatch of the business of the convention.
8 When the convention shall have agreed upon such rules, the same shall be signed by the
9 president and countersigned by the secretary of the convention, and filed with the Secre-
10 tary of the State, and the Secretary of State shall cause such rules to be printed, and when
11 so printed he shall forward certified copies thereof to the clerk of the district court in each
12 county of the State. And the clerk shall immediately upon the receipt of such copy of the
13 rules so adopted, such clerk shall spread the same upon the records of said court, and such
14 rules shall continue in force until altered or amended in convention as provided in this act.

SEC. 12. The salary of district judges elected or holding office under the provisions of the
2 constitution of the State and this act, shall be three thousand dollars per year, to be paid
3 from the State treasury in manner now provided by law for the payment of judges of the
4 district and circuit court.

SEC. 13. On and after the first day of January, 1887, the clerk of district court shall have
2 and exercise within his county all the powers and jurisdiction of the court and of the judge
3 thereof, in the following matters :

4 *First.* The appointment of administrators, executors and guardians, and the approval
5 of any and all bonds given by such persons in the discharge of their several trusts.

6 *Second.* The examination and approval of all intermediate or interlocutory accounts
7 or reports of administrators, executors and guardians ; but such approval may be dis-
8 affirmed and set aside by the court at any time for fraud, mistake, or other equitable
9 cause.

10 *Third.* The making of all necessary orders in relation to the personal effects of a
11 deceased person, as contemplated in section 2386 of the Code.

12 *Fourth.* The admission to probate of all domestic wills where no objection is filed or
13 contest made.

14 *Fifth.* The admission to probate of wills which have been duly probated in another
15 State or country, as contemplated in section 2351 of the Code.

16 *Sixth.* The allowance of claims against the estate of a deceased person where notice
17 has been served on the administrator ten days before the hearing and no appearance is
18 made or answer filed.

19 *Seventh.* The making and entering of all orders in matters of guardianship and pro-
20 bate where notice is not by law required.

21 *Eighth.* The approval of deeds and conveyances made pursuant to the order, judg-
22 ment or decree of court.

SEC. 14. Any person deeming himself aggrieved by any order made or entered by the
2 clerk, under the powers conferred in the last preceding section, may have the same reviewed
3 in court by serving written notice of his demand therefor upon the clerk and upon the
4 opposite party in interest within twenty days after the entry of the order complained of.
5 Upon the filing of such notice the clerk shall place the cause or proceeding on the docket
6 (without additional docket fee) for the next ensuing term, and the matter shall stand for
7 hearing or trial *de novo* in open court.

SEC. 15. If upon the day fixed by the clerk for the probate of any will, domestic or for-
2 eign (which day may be in vacation), if any person shall appear in person or by attorney,
3 and in writing object to the admission of such will to probate, or signify in writing a desire
4 to contest the same, the clerk shall take no further action therein, except to docket the
5 matter for hearing at the next term of court; and the several parties in interest shall be
6 held to appear at the next term of court for the trial of such contest without further notice.

SEC. 16. The records, orders and judgments made and entered by the clerk as herein-
2 before provided and not reversed, set aside or modified by the court, shall stand and be of
3 the same force, validity and effect, and shall be entitled to the same faith and credit as if
4 made by the court or by the judge thereof.

SEC. 17. From and after the first day of January, 1887. the clerk of the district court in
2 each county, in addition to the compensation now provided by law, shall be allowed to re-
3 tain from fees collected by him in matters of probate and guardianship, such sum as may be
4 fixed by the board of supervisors, not exceeding the sum of three hundred dollars per year;
5 but such additional compensation shall in no case be allowed to be paid out of the county
6 treasury.

SEC. 18. All acts and parts of acts inconsistent with the provisions of this act are hereby
2 repealed.

A BILL

FOR AN ACT TO ABOLISH THE CIRCUIT COURT AND TO ENLARGE THE POWERS AND JURISDICTION OF THE DISTRICT COURT AND TO REORGANIZE THE JUDICIAL DISTRICTS OF THE STATE.

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

SECTION 1. That on and after the first day of January, A. D. 1887, the circuit court of the State of Iowa shall be abolished.

SEC. 2. On and after said first day of January, A. D. 1887, the district court shall be constituted and organized as hereinafter set fourth.

SEC. 3. For judicial purposes the State is hereby divided into eighteen judicial districts as follows :

First. The first district shall consist of the counties of Lee and Des Moines, and shall have two judges.

Second. The second district shall consist of the counties of Lucas, Monroe, Wapello, Jefferson, Henry, Davis, Van Buren and Appanoose, and shall have three judges.

Third. The third district shall consist of the counties of Wayne, Decatur, Clarke, Union, Ringgold, Taylor, Adams, Page, Montgomery, Mills and Fremont, and shall have three judges.

Fourth. The fourth district shall consist of the counties of Cherokee, O'Brien, Osceola, Lyon, Sioux, Plymouth, Woodbury and Monona, and shall have three judges.

Fifth. The fifth district shall consist of the counties of Dallas, Guthrie, Adair, Madison, Warren and Marion, and shall have two judges.

Sixth. The sixth district shall consist of the counties of Jasper, Poweshiek, Mahaska, Keokuk, Washington and Louisa, and shall have three judges.

Seventh. The county of Polk shall constitute the seventh district and shall have three judges.

Eighth. The eighth district shall consist of the counties of Johnson and Iowa, and shall have one judge.

Ninth. The ninth district shall consist of the counties of Muscatine, Scott, Clinton and Jackson, and shall have three judges.

Tenth. The tenth district shall consist of the counties of Dubuque, Delaware, Buchanan, Black Hawk and Grundy, and shall have two judges.

24 *Eleventh.* The eleventh district shall consist of the counties of Marshall, Story,
25 Boone, Webster, Hamilton, Hardin, Franklin, Wright and Humboldt, and shall have
26 three judges.

27 *Twelfth.* The twelfth district shall consist of the counties of Clayton, Allamakee,
28 Fayette, Winneshiek, Howard and Chickasaw, and shall have two judges.

29 *Thirteenth.* The thirteenth district shall consist of the counties of Bremer, Butler,
30 Floyd, Mitchell, Worth and Cerro Gordo, and shall have two judges.

31 *Fourteenth.* The fourteenth district shall consist of the counties of Winnebago, Han-
32 cock, Buena Vista, Clay, Palo Alto, Kossuth, Emmet, Dickinson and Pocahontas, and
33 shall have two judges.

34 *Fifteenth.* The fifteenth district shall consist of the counties of Pottawattamie, Cass,
35 Shelby, Audubon and Harrison, and shall have two judges.

36 *Sixteenth.* The sixteenth district shall consist of the counties of Ida, Sac, Calhoun,
37 Crawford, Carroll and Green, and shall have two judges.

38 *Seventeenth.* The seventeenth district shall consist of the counties of Tama and Ben-
39 ton, and shall have one judge.

40 *Eighteenth.* The Eighteenth district shall consist of the counties of Linn, Jones and
41 Cedar, and shall have two judges.

42 Except in districts consisting of one county, no two judges shall be residents of the
43 same county.

SEC. 4. The district judge shall be a resident of the district in which he is elected and
2 shall hold his office for a term of four years. The first election under the provisions of this
3 act shall be at the general election in the year 1886; *provided, however,* that the present
4 acting judges of the district court whose terms of office shall not have expired on or before
5 said first day of January, 1887, shall be by virtue of their said office judges of the district
6 court in and for the districts created by this act in which they may severally reside; and
7 until the terms for which such judges were elected shall expire, only so many additional
8 judges shall be chosen under the provisions of this act as shall be required (if any) to make
9 the number of judges to which such district is entitled under the provisions of this act.

SEC. 5. The judges shall hold the district courts in the several counties of their districts
2 at all the places where district courts or circuit courts are now authorized to be held. They
3 shall hold their courts at such times and in such order as shall best dispose of the business
4 thereof and as they may arrange among themselves; *provided, however,* there shall be held
5 not less than four terms a year in each county. In case the judges of any district are un-
6 able to agree as to the manner of holding their courts or as to the counties in which they
7 are severally to preside, they shall refer the matter to the Chief Justice of the Supreme
8 Court, who shall assign said judges to such counties as he may determine; and the Chief

9 Justice of the Supreme Court shall also have power to assign any district judge when not
10 occupied in holding court in his own district, to hold court in any other district in the
11 State where there may arise a necessity therefor.

SEC. 6. On or before the first day of October in each odd numbered year, the judges
2 shall meet in their respective districts and determine the times and places of holding their
3 courts during the two succeeding calendar years. The plan or schedule thus agreed upon,
4 or ordered by the Chief Justice of the Supreme Court when they cannot agree, shall before
5 going into effect be published as now required by law for similar orders of the judges of
6 the district and circuit courts. In preparing said plan or schedule they shall so arrange if
7 practicable that each judge shall hold at least one term of court during the year in each of
8 the several counties of his district. The terms of the circuit court which have been set
9 down or assigned for the year 1887, in the several counties of the State shall be held as
10 terms of the district court.

SEC. 7. The district court when organized and constituted as contemplated in this chap-
2 ter shall have original and exclusive jurisdiction of all actions, proceedings and remedies
3 both civil and criminal, except in cases where exclusive or concurrent jurisdiction is or may
4 hereafter be conferred upon some other court or tribunal by the Constitution or laws of
5 the State, and shall have and exercise all the powers usually possessed and exercised by
6 courts of record.

SEC. 8. All the rights, duties, powers and jurisdiction now by law belonging to, or vested
2 in, or exercised by the circuit court shall upon and after the first day of January, 1887, be
3 transferred to, conferred upon and exercised by the district court; and all causes, proceed-
4 ings and remedies of every kind pending or undetermined in the circuit court at said date
5 shall stand for trial or other disposition in the district court as if originally brought
6 therein.

SEC. 9. Upon the abolition of the circuit court as in this act provided, the district court
2 shall succeed to and exercise full authority and jurisdiction over the records of the circuit
3 court, and may enforce all judgments, decrees and orders thereof in the same manner and
4 to the same extent as it may exercise like jurisdiction and authority over its own records,
5 and for the purpose of the issuance of processes, and of any and all other acts necessary to
6 the due and efficient enforcement of the orders, judgments and decrees of the circuit court,
7 the records thereof shall be deemed records of the district court. Transcripts and process
8 from the judgments, decrees and records of the circuit court shall be issued by the clerk of
9 the district court and under the seal of his office.

SEC. 10. When a change of venue is granted on the ground of objection made to the
2 judge, such judge may in his discretion send the cause to another county where it can be

3 tried by another judge of the same or another district, or may procure another judge of the
4 same or another district to interchange with him for the trial of such cause.

SEC. 11. The judges of the district court and the justices of the supreme court shall
2 have power to prescribe uniform rules of practice for the government of the district courts
3 of the State. For that purpose said judges and justices shall meet in convention at the
4 State capital on the first Wednesday in January, A. D. 1887, and at such time thereafter as
5 may be designated by the chief justice, and shall organize by selecting a president, vice-
6 president and secretary from their number, and the Secretary of State shall upon requis-
7 ition of the presiding officer supply the convention with such stationery as shall be deemed
8 necessary for the dispatch of the business of the convention. When a majority of the con-
9 vention shall have agreed upon such rules, the same shall be signed by the president and
10 countersigned by the secretary of the convention, and filed with the Secretary of State,
11 and the Secretary of State shall cause such rules to be printed, and when so printed he
12 shall forward a certified copy thereof to the clerk of the district court in each county of the
13 State. And the clerk shall immediately upon the receipt of such copy of the rules so
14 adopted, spread the same upon the records of said court, and such rules shall continue in
15 force until altered or amended in convention as provided in this act.

SEC. 12. The salary of district judges elected or holding office under the provisions of
2 the Constitution of the State and this act, shall be \$2,500 per year, to be paid from the State
3 treasury in manner now provided by law for the payment of judges of the district and cir-
4 cuit court.

SEC. 13. On and after the first day of January, 1887, the clerk of the district court shall
2 have and exercise within his county all the powers and jurisdiction of the court and of the
3 judge thereof in the following matters :

4 *First.* The appointment of administrators, executors and guardians and the approval
5 of any and all bonds given by such persons in the discharge of their several trusts.

6 *Second.* The examination and approval of all intermediate or interlocutory accounts
7 or reports of administrators, executors and guardians, but such approval may be dis-
8 affirmed or set aside by the court at any time for fraud, mistake or other equitable cause.

9 *Third.* The making of all necessary orders in relation to the personal effects of a de-
10 ceased person as contemplated in section 2386, of the Code.

11 *Fourth.* The admission to probate of all domestic wills where no objection is filed or
12 contest made.

13 *Fifth.* The admission to probate of wills which have been duly probated in another
14 State or country as contemplated in section 2351, of the Code.

15 *Sixth.* The allowance of claims against the estate of a deceased person where notice

16 has been served on the administrator ten days before the hearing and no appearance is
17 made or answer filed.

18 *Seventh.* The making and entering of all orders in matters of guardianship and pro-
19 bate where notice is not by law required.

20 *Eighth.* The approval of deeds and conveyances made pursuant to the order, judg-
21 ment or decree of court.

SEC. 14. Any person deeming himself aggrieved by any order made or entered by the
2 clerk under the powers conferred in the last preceding section may have the same reviewed
3 in court by serving written notice of his demand therefor upon the clerk and upon the op-
4 posite party in interest within twenty days after the entry of the order complained of.
5 Upon the filing of such notice the clerk shall place the cause or proceeding on the docket
6 without additional docket fee for the next ensuing term and the matter shall stand for
7 hearing on trial *de novo* in open court.

SEC. 15. If upon the day fixed by the clerk for the probate of any will, domestic or for-
2 eign, (which day may be in vacation) if any person shall appear in person or by attorney
3 and in writing object to the admission of such will to probate or signify in writing a desire
4 to contest the same, the clerk shall take no further action therein except to docket the mat-
5 ter for hearing at the next term of court; and the several parties in interest shall be held
6 to appear at the next term of court for the trial of such contest without further or
7 other notice.

SEC. 16. The records, orders and judgments made and entered by the clerk as hereinbe-
2 fore provided and not reversed, set aside or modified by the court shall stand and be of the
3 same force, validity and effect, and shall be entitled to the same faith and credit as if made
4 by the court or by the judge thereof.

SEC. 17. From and after the first day of January, 1887, the clerk of the district court in
2 each county, in addition to the compensation now provided by law shall be allowed to re-
3 tain from fees collected by him in matters of probate and guardianship, such sum as may be
4 fixed by the board of supervisors, not exceeding the sum of three hundred dollars per year ;
5 but such additional compensation shall in no case be allowed to be paid out of the county
6 treasury.

SEC. 18. All acts and parts of acts inconsistent with the provisions of this act are hereby
2 repealed.