A BILL

FOR AN ACT TO SETTLE DIFFERENCES BETWEEN PARTIES OF LESS THAN ONE HUNDRED DOLLARS BY ARBITRATION.

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

SECTION 1. That it shall be lawful and binding on the parties in interest to arbitrate all
2 matters of differences between parties that would come under the civil law of this State, by
3 the process set forth in the following sections of this act.

SEC. 2. It shall be the duty of the State Printer to furnish to the board of supervisors of
2 each county on their order suitable blanks to comply with this law, with the law printed on
3 the back of it. That each board of supervisors, through the Auditor, shall furnish the
4 blanks to parties in the county as they may need them, or furnish them at cost when they
5 may be needed. Such blanks to be suitable for a statement of formal agreement or differ-
6 ence between the disputants as to the essence of their claims and differences, each agreeing
7 to arbitrate under this law by signing their names thereon to such an agreement. Such
8 large double blank shall also have an obligation for a referee or arbitors to sign, as follows:
9 The undersigned hereby sacredly pledges his honor as an honest man before the Author of the
10 of the universe, and subject to the penalties of the State for violation of sacred obligations,
11 that he will faithfully do in the above matter as a referee what may appear to be justice
12 and equity between said parties.

SEC. 3. Such matter may be submitted to one person as referee to act as a justice of the
2 peace, or one disinterested person chosen by each party, they to choose a third voter by
3 agreement, who shall act as chairman or justice in deciding minor points of difference dur-
4 ing the investigation and keep a brief memorandum, and the agreeing judgment of any two
5 or more of them shall decide the issue.

SEC. 4. Such arbitors having assented to such duty by signing said obligation, may fix the
2 time and place convenient for the majority, and if requested by the litigant of either side at
3 his personal expense, may issue subpœnas for witnesses, that after taking an obligation to
4 tell the truth, the whole truth and nothing but the truth in said matter, may be used by
5 both parties as evidence, as shall all parties who appear in the case. No attorneys need be
6 employed, but if they appear they shall take the same obligations as the arbitratory, by

7 signing the same as such attorneys or the litigants may state and conduct their own sides,
8 but it shall be as brief as will possibly make it clear by them and the witnesses also in the
9 judgment of said arbitors, whose judgment is final authority in the matter.

SEC. 5. Such referee, where there is one, and the matter of dispute contains more than
2 twenty-five dollars of a difference between the parties, shall keep a brief memorandum of
3 what he regards as the essential points in each evidence taken, and where there is three
4 referees and the amount of difference is more than one hundred dollars, the third man shall
5 keep such a brief memorandum as above in a readable handwriting, to be filed with all the
6 other matter in said case; and if the matter of difference in the former case proves to be less
7 than twenty-five dollars, as in the latter case than one hundred dollars. No appeal shall be
8 allowed, the judgment to be final, and where such judgment is greater the losing party must
9 within ten days pay all costs in the case and give sufficient bond to be sure to cover all
10 future costs, and pay for copy of papers before an appeal is granted.

SEC. 6. The judgment of the arbitors shall be in writing, setting forth the amount to be
2 paid, by whom, when and how, as the circumstances of the evidence and known facts and
3 ability of the parties and claimant may seem just and equitable in their judgment, always
4 looking to the least possible or reasonable cost to the parties, and make a record of all fees
5 claimed to be allowed, never to exceed similar costs in justices court, to be collected with the
6 referee's fee of one dollar for each six hours or over half of said time actually necessarily
7 in their such duties to complete said matter, with any outlay or expense made necessary
8 spent in judgment, to be collected off of the loosing party unless otherwise directed in
9 their said judgment in equity; never at the sacrifice of a plain contract, note or value of
10 personal labor.

SEC. 7. If such forgiving judgment is complied with in the time therein specified between
2 the litigants, and receipts passed in full of all principlas, interest and costs, and filed with
3 said referee or third man, or if the said litigants settle in full said judgment with such
4 referee, with reasonable allowance for his trouble, and he pays over such amounts where
5 they belong, then the matter shall be considered finally settled, and the said referee shall
6 within ten days (under his aforesaid obligation and any damage that might thereafter come
7 of it) file all the aforesaid written matter with the county auditor of the county where the
8 matter occured who shall be the custodian. But if the party of litigants fail to comply with
9 said judgment in the time therein specified, said referee—if not a justice of the peace—shall
10 file all of said matter with a convenient justice of the peace, who, at the instance of the
11 party in interest shall issue an execution and have said judgment carried out as usual in
12 such cases in his cost, with legal costs, and when completed with a memorandum of what
13 has been done by him, file all of said papers as above with the auditor. But in case of ap-
14 peal from referees as set forth in section five, to the district court, for sums less than one

15 hundred dollars decided by the one referee. It shall be decided by the judge on such mem-
16 ornadum in the case with such other evidence as the judge may think equitable to make it
17 clear and final. In case the appeal is where there is over one hundred dollars difference, it
18 may take the usual course on appeal at common law, all prior costs having been settled by
19 the party appealing, and all the papers in said case as filed with the auditor may be used by
20 either party as evidence. No prior act shall be so construed as to interfere in the carrying
21 out of this act where arbitrators commence action under it.