

A BILL

FOR 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 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:

Section 1. That any city, whether organized under a special charter or the general law for
2 the incorporation of cities or towns, now or hereafter having a population of twenty thou-
3 sand or more, as shown by the last preceding state or United States census, may establish a
4 municipal court under the provisions of this act by proceeding as hereinafter provided, and
5 for the purpose of this act, the territorial limits of any such city shall be held to extend to
6 the limits and include therein all civil townships in which said city or any part thereof is
7 located.

Sec. 2. Upon the petition of not less than fifteen per cent of the qualified electors as
2 shown by the poll lists in the last municipal or state election of any such city or municipal
3 court district being filed with the city clerk, the mayor shall, by proclamation, submit the
4 question of establishing a municipal court as provided in this act, at a general state or muni-
5 cipal election or special election to be held at a time specified therein, which time shall be
6 within two months after said petition is filed. If the said proposition is not adopted at such
7 election, said question shall not be re-submitted to the voters of said city within two years
8 thereafter, and then said proposition may be re-submitted as above provided.

Sec. 3. At such election the proposition to be submitted shall be, "Shall the proposition
2 to establish a municipal court in the city of (name of city) under chapter (naming chapter
3 containing this act) of the acts of the Thirty-sixth General Assembly be adopted?" The elec-
4 tion shall be conducted, the vote canvassed and the result declared in the same manner as
5 provided by law, in respect to other municipal elections. If the majority of the vote cast
6 on said proposition shall be in favor thereof, said municipal court shall be established. Im-
7 mediately after such proposition is adopted, the mayor shall transmit to the governor, the

8 secretary of state and the county auditor, each, a certificate showing that such proposition
9 was adopted. At the next regular municipal election after the adoption of such proposition
10 there shall be elected the judge or judges of said municipal court and the clerk and bailiff
11 thereof as hereinafter provided.

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

Sec. 5. That after the adoption of the proposition to establish a municipal court under the
2 provisions of this act, and upon the election and qualification of the officers herein provided
3 for, the police court, mayor's court, justice of the peace court and the superior court in and
4 for the territory within the municipal court district, shall be abolished and the offices of po-
5 lice judge, clerk of police court, justices of the peace, constables, superior judge and clerk of
6 superior court shall likewise be abolished; and when said offices shall be abolished the dock-
7 ets of such courts and all records and papers in their possession pertaining to any proceed-
8 ings had before them shall be forthwith delivered to the clerk of the municipal court, who
9 shall preserve same in his office and who shall have full power and authority to certify and
10 transcript such proceedings, as appear in the said dockets and records and papers of the said
11 courts and all subsequent proceedings in any cause of action then pending in any of the said
12 courts so abolished, shall be carried out in the said municipal court in the manner herein pro-
13 vided for, the same as if the said cause had originated in said municipal court.

Sec. 6. There shall be one municipal judge for every thirty thousands inhabitants, or major
2 fraction thereof, as shown by the last state or United States census in any city hereafter
3 establishing a municipal court under the provisions of this act, provided that the inhabitants
4 of any civil township in which said city or any part thereof is located, shall be counted in de-
5 termining the number of judges. In every city, establishing a municipal court, as herein
6 provided, there shall be nominated at the following city primary, and elected at the following
7 city election, a judge or judges of said municipal court, a clerk and a bailiff thereof, as here-
8 inafter provided. Provided, however, that when the territorial limits of any municipal court
9 extend beyond the city limits to the borders of any township in which any such city is lo-
10 cated as herein provided, then the primary and general election shall be held on the same
11 day and subject to the same requirements as said city primary and election. They shall
12 qualify and their term of office shall begin on the first Monday after their election. The term
13 of office of each judge and of the clerk and bailiff shall be four years.

Sec. 7. Each of said judges shall be a qualified elector residing in such municipal court
2 district and be a practicing attorney at law, and shall subscribe to the same oath required
3 of the judges in the district court of the state of Iowa and shall file the same with the city
4 clerk.

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

Sec. 9. The bailiff of said court shall be a qualified elector of said municipal court district.
2 The bailiff shall have control and have supervision of the court rooms and shall execute or
3 direct the execution of all orders, writs, notices or processes coming into said court, or au-
4 thorized or directed by a judge thereof; and shall do and perform all acts similar to those in-
5 cumbent upon constables and sheriffs. He shall have control of and be responsible for all
6 persons in his custody and while in the court rooms, and it shall be his duty to preserve or-
7 der during every session of the said court. All regular police officers shall be ex-officio spe-
8 cial bailiffs when so ordered by a judge of said court, without other compensation than that
9 paid for their services as police officers.

Sec. 10. The clerk and bailiff, with the approval of the city council, shall each have power
2 to appoint such deputies as may be necessary to transact the business of the municipal court,
3 and the city council shall fix the salary to be paid to such deputies. When such deputy of-
4 ficers are appointed and their appointment approved they shall take the same oath as that
5 required of the clerk and the bailiff.

Sec. 11. The judges of said municipal court, the clerk, the deputy clerk or clerks, if any,
2 the bailiff, and the deputy bailiff or bailiffs, if any, shall give such bonds as may be required
3 by the city council, which bonds shall be filed with and approved by the city clerk.

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

Sec. 13. At all primary elections at which a judge or judges of municipal court, the clerk or bailiff thereof are to be nominated, there shall be separate ballots, upon which shall be placed the names of the candidates for offices, which ballot shall be entitled the "judiciary primary ballot," and the names of such candidates shall be placed thereon in alphabetical order and without party designation and there shall be designated thereon the number of judges each elector is entitled to vote for. This ballot shall be delivered to each elector by proper election officers and the candidates on such ballot, to the extent of double the number of those to be elected, provided there are that many or more candidates for such office or offices, receiving the highest number of votes, shall be duly nominated.

Sec. 14. At the general municipal election, there shall be a separate ballot on which shall be placed the names of candidates nominated for judge or judges of the municipal court, the clerk or the bailiff of said court who have been nominated as herein provided, which ballot shall be entitled the "judiciary ballot." The names of all candidates shall be placed thereon in alphabetical order without party designation and there shall be designated thereon the number of judges for which each elector is entitled to vote. This ballot shall be delivered to each elector and the candidates on each ballot, to the number of those to be elected, receiving the highest number of votes, shall be duly elected.

Sec. 15. The method of conducting such primary and general election and the canvassing and announcing the result of recounting the ballots, of proper notice of nomination and election and the penalties for illegal voting and misconduct of election officials, the hire of services and the making of sworn return of election expense shall be the same as now provided by the general primary and general election laws of the state of Iowa and of cities operating under the commission plan form of government.

Sec. 16. If any vacancy occurs in the office of municipal judge, the governor of the state of Iowa shall appoint such officer to fill such vacancy who shall hold the office until the next regular city election or until his successor to fill the unexpired term is elected and qualified. In case of vacancy in any other elective office herein provided, the mayor, by and with the consent of the city council, shall make such appointment. In case of inability of any judge to act, any other judge of any municipal or district court in the county may hold court during such inability or the governor of the state of Iowa may appoint a judge to hold court during such inability, which judge shall have the same qualifications as the regularly elected municipal judge and shall receive the same salary as the regular judge would have received, which shall be paid in the same manner as the salary of the regular judge.

Sec. 17. There shall be no terms of court and the court shall be open for business twelve months of the year, and there shall always be at least one judge present each day to hold court and to issue such writs and orders as are required. Provided, however, that if it shall be necessary to appoint another judge to act during any absence, that such judge so

5 appointed shall receive as compensation for his services so rendered a sum equal to the sal-
6 ary of the regular judge and payable in the same manner.

Sec. 18. Said municipal court shall have concurrent jurisdiction with the district court,
2 in all civil matters, where the amount in controversy does not exceed \$1,000.00, except in pro-
3 bate matters, actions for divorce, alimony, separate maintenance, foreclosure of mechanic's
4 liens and real estate mortgages, and juvenile proceedings, and said court shall have no power
5 to grant injunctions, except where the issuance of the writ is auxiliary to the other relief de-
6 manded and of which the court has jurisdiction. Said court shall have all criminal jurisdic-
7 tion that is now or hereafter may be conferred on justice of peace, mayor's courts and police
8 courts. Prisoners may be committed to the city prison or any other place or institution
9 for confinement or punishment instead of the county jail or may be paroled or their sentence
10 suspended, at the option of the judge.

Sec. 19. Causes of action in the municipal court shall be divided into the following classes:

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

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

6 Class "C" shall include the trial of all public offenses of which this court has jurisdiction
7 other than for the violation of the city ordinances.

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

Sec. 20. All statutes governing the district court as to pleadings and practice, parties, evi-
2 dence, commencement of actions, jurisdiction, process, modes of trial, judgment, execution,
3 attachment, garnishment, replevin and limitation of actions, shall apply to and govern the
4 municipal court except when the same are inconsistent with the provisions of this act.

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

Sec. 22. Civil actions in municipal court are commenced by voluntary appearance or by
2 written notice. If by notice, the same shall be addressed to the defendant or defendants by
3 name, but if his name is unknown, a description of him will be sufficient. It must be sub-
4 scribed by the plaintiff or his attorney. The notice must state the amount for which the
5 plaintiff will take judgment if the defendant does not appear and answer at the time and

6 place stated in the original notice, which shall be not less than five nor more than fifteen days
7 after the service thereof. It must further state the date on or before which the petition will
8 be filed with the clerk of the municipal court, and unless the petition is filed with the clerk
9 of the municipal court on or before such date, which shall be at least five days before the
10 return day, the defendant or defendants shall not be held to appear and answer.

Sec. 23. Changes of venue may be taken from the said court in all civil actions to the
2 district court in the county in which said municipal court is situated or to another county in
3 the same manner, for like causes and with the same effect as the venue is changed in the
4 district court.

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

Sec. 25. The municipal court shall be a court of record and shall have a seal. Within the
2 jurisdiction of the municipal court, the judges shall have the same power in regard to injunc-
3 tions, writs, orders and other proceedings in court and out of court as are possessed by the
4 judges of the district court. The judges of the municipal court shall have power to make
5 and enforce rules of practice and procedure for the conduct of affairs of the court. The rec-
6 ords to be kept by said court, shall be in substantially the same form as provided for the dis-
7 trict court.

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

Sec. 27. Unless otherwise provided in this act, the fees, costs and expense payable in said
2 court shall be the same as in the district court and where no provision is made therefor in
3 the district court, then the fees, costs and expense shall be the same as in the courts of jus-
4 tices of the peace. All fees, fines, forfeitures, costs and expense paid to the clerk and bailiff,
5 shall be paid one-half to the city treasurer and one-half to the county treasurer on or be-
6 fore the tenth day of each succeeding month.

Sec. 28. The witness fees allowed in the municipal court shall be the same as in the dis-
2 trict court in all cases included in class "A". The witness fees to be taxed in all cases aris-
3 ing in classes "B", "C" and "D" shall be the same as in courts of justices of the peace,
4 provided, however, that no regular police officer of such city, no clerk or his deputy and no
5 bailiff or his deputy shall be allowed a witness fee in cases arising in classes "C" and "D".

Sec. 29. That in each municipal district where municipal courts shall have been established, the jury lists shall be prepared, jury panels drawn, the juries summoned and the jurors in each case drawn in the manner hereinafter provided.

Sec. 30. The city clerk, the city auditor and the clerk of the municipal court shall constitute the jury commission for that municipal court district and each such officer shall be a jury commissioner during his term of office. The oath of office administered to each officer on entering upon the duties of their respective offices, shall also apply to their duties as jury commissioners and the bond given by each such officer shall thereafter, in addition to the conditions otherwise required by law, be conditioned upon the faithful discharge of all the duties of the jury commissioners during their term of office.

Sec. 31. All persons selected to serve as jurors in each such municipal court district shall have the same qualifications and exemptions and shall be subject to the same challenges as jurors in the district court of the state of Iowa; but jurors in the district court shall be exempt from any jury service in the municipal courts.

Sec. 32. Said jury commissioners shall be provided with a poll list of such municipal court district of the last preceding municipal court election, and shall, before the last Monday in April following, and every two years thereafter, prepare a list of all electors possessing the necessary legal qualifications for jury service, as herein provided, to be known as the "jury list." The name of each person on said list shall be entered in alphabetical order in a book or books to be kept for that purpose, and opposite each name there shall be entered the age of said person, his occupation and his place of residence, giving his street and number. The custody of said book or books shall be in the city clerk and shall be open to the public for inspection and investigation at all times. This jury list may be revised and amended annually, in the discretion of the jury commission, or upon order of the municipal court. The jury commission shall keep record of such changes or correction in said jury lists as shall come to the knowledge of each or any jury commissioner and said jury commission shall annually, before the last Monday in April of each year, amend said jury list by striking the names of such electors as shall be disqualified for jury service. Provided, further, that when the territorial limits of any municipal court extends beyond the city limits to the borders of the township in which said city is located, as herein provided, that the "jury list" shall also include the qualified electors in such additional territory, as shown by the last municipal court or general election.

Sec. 33. The boards of registration of such municipality, or, in event there are no such boards, then the election boards in each voting precinct, when so directed by the jury commission, shall make such examination of the electors of their respective precincts, touching their qualifications for jury service as said jury commission may lawfully require, which examination shall be under oath and a complete record thereof be made and preserved in a

6 book or books provided for that purpose, and, when completed and properly certified by said
7 boards, they shall deliver the same to the city clerk to be by him kept and preserved.

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

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

20 section from the jury panel, shall, after the month, and before the drawing for the following
21 month, be replaced in said jury box. The jury panel, as drawn on the last Monday of each
22 month, shall constitute the jury panel for the succeeding month beginning on the first Mon-
23 day of each month.

Sec. 36. Whenever the court is satisfied that the jury commission has failed in any mate-
2 rial respect to perform the duties required of them, or that any improper influence has in any
3 manner reached them and influenced the selection of the jury panel, the court may set aside
4 the said panel and order new panels drawn and in the same manner as herein provided for
5 the selecting of said jury panel.

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

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

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

12 When ordered by the judge, the clerk of the municipal court, in open court, and in the pres-
13 ence of the attorneys of all parties litigant in pending cause of action, and after the names
14 contained in said jury box shall have been thoroughly mixed, the clerk of the municipal court
15 shall break the seal on said jury box and, impartially and at random, draw an envelope
16 therefrom, which he shall open and read aloud so that all persons may hear; then other
17 names shall be drawn in like manner as before, until the required number shall have been
18 drawn, which persons shall constitute the jury for the pending cause of action; provided
19 that should any person so drawn be absent from court, be excused from service, or be dis-
20 qualified for service in the pending trial, because of being challenged, other names shall be
21 drawn in like manner as before until the required number of jurors are selected; provided,
22 further, that the names of all persons so excused, absent, or disqualified, shall, at once, in
23 the presence of the court, be prepared as hereinbefore provided and be replaced in the jury
24 box, after which the same shall be sealed as above provided; provided, further, that if for
25 any reason the number of jurors required by law cannot be secured from the jury panel, the
26 judge of such court shall order such number of additional names as he shall deem necessary
27 to be drawn by the jury commissioners from the jury list, as herein provided, and, when so
28 drawn, summons shall issue for their attendance in court; provided that the clerk of the
29 municipal court may deputize a deputy, who may lawfully seal the petit jury box as herein
30 provided; provided, that when any party to a pending trial has reason to believe that irregu-
31 larities exist in preparing the names of the jury panel in said jury box, may demand of the
32 court an examination thereof; and any party to a pending trial may lawfully refuse to pro-
33 ceed with the trial until such examination of said jury box shall have been made in open
34 court, and then not until the names of said jury panel shall have been prepared and inserted
35 in said jury box in a manner provided by law.

Sec. 40. Members of the jury commission shall, without additional compensation to that
2 by law provided, perform all of the duties of the jury commissioners in addition to their re-
3 spective duties as now or hereinafter shall be provided by law. The city council shall, if neces-
4 sary, be empowered to expend a reasonable sum necessary for expenses incident to the trans-
5 action of the duties of the jury commission.

Sec. 41. Any person who shall seek, in any manner, to influence the action of the jury
2 commission, or who shall seek the position of juror, or who shall ask any jury commissioner
3 or any attorney, or any officer of the court, or any other person, to secure his selection as jury-
4 man, shall be guilty of contempt of court and punished as by law provided. Any attorney or
5 party to a suit pending in said municipal court who shall request or solicit the place of any
6 person upon the jury, shall, in addition to the other penalties provided by law, likewise be
7 guilty of contempt of court and be punished as by law provided, and any person so solicit-
8 ing, or sought, to be put upon the jury shall be disqualified to serve as a juror. Any official

9 having anything to do, in any manner whatsoever, with the making of the jury list, the select-
10 ing of the jury panel, or the drawing of the jurors, who shall neglect, or fail, to carry out,
11 or shall, in any unlawful manner, carry out, or attempt to carry out, any of the provisions
12 of the law relating to the selection of juries, shall, except when otherwise provided by law,
13 be guilty of misdemeanor, and shall be punished by a fine of not more than one hundred
14 (\$100) dollars or thirty (30) days in jail, or both, and conviction therefor shall be grounds for
15 removal from office.

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

Sec. 43. In all civil cases, where the jury shall consist of six jurors, the peremptory chal-
2 lenges allowed to either party shall be limited to three each; but where the jury shall consist
3 of twelve jurors, the same number of challenges shall be allowed to either party as is, or may
4 be, allowed in the district court.

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

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

Sec. 46. Judgments of the municipal court may be made liens upon real estate in the county
2 by filing transcript of same in the district court, as is now, or hereafter may be, provided
3 by the statutes of Iowa in relation to judgments of justices of the peace, and with equal effect,
4 and from the time of such filing they shall be treated, in all respects, as to their mode of en-
5 forcement as judgments rendered in the district court as of that date, and no execution can
6 thereafter be issued from the municipal court on such judgments, and no real property shall
7 be levied on, or sold on, process issued out of the municipal court. Judgments of the municipi-

8 pal court may be made liens upon real estate in other counties in the same manner as judg-
9 ments in the district courts.

Sec. 47. The salary of each of cash municipal judge, in cities of 30,000 or more inhabitants,
2 shall be three thousand dollars (\$3,000) per annum, and, in cities of less than 30,000 inhabi-
3 tants, two thousand dollars (\$2,000) per annum.

4 The clerk and the bailiff shall receive a salary of one thousand dollars (\$1,000) per annum,
5 each, in cities of less than 30,000 inhabitants, and one thousand two hundred dollars (\$1,200)
6 each, per annum, in cities of 30,000 or more inhabitants. The deputy clerks and deputy bailiffs
7 shall receive such compensation as the city council may allow.

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

Sec. 48. It shall be the duty of the city council in any such city in which the municipal
2 court is situated to elect a competent attorney to prosecute all criminal cases arising under
3 the jurisdiction of this court; and the salary of said attorney shall be paid one-half by the
4 city and one-half by the county, as herein provided.

Sec. 49. The city council shall provide suitable place for holding said court, and such
2 other rooms and offices as may be necessary for the transaction of the business of said court.
3 all of the other expenses of maintaining said court not otherwise provided for in this act
4 shall be apportioned and distributed one-half to the city and one-half to the county.

Sec. 50. Each judge of the municipal court may appoint a shorthand reporter. All pro-
2 visions relating to shorthand reporters, and their duties in the district court, in so far as
3 applicable, shall govern, except their compensation, which shall be six dollars per day for
4 the time actually employed, and shall be paid, one-half by the county and one-half by the city,
5 as provided in this act. All actions included in class "A" hereof may be reported the same
6 as in the district court, and the reporters' fees shall be taxed in said action as costs. No re-
7 porter shall be provided for in the trial of actions in class "B", unless the party demanding
8 the same shall pay the costs of said reporter to the clerk, in advance, which shall be taxed as
9 costs in the case. The transcript fees paid reporters will be the same as in the district court,
10 and may be taxed as part of the costs on appeal.

Sec. 51. In any city where municipal courts, as herein provided, shall have been established
2 for more than four years, such city may abandon such municipal court and accept the pro-
3 visions of the general law of the state then applicable to such cities by proceeding as follows:
4 Upon the petition of not less than fifteen per cent of the qualified electors of such municipal
5 court district, as shown by the poll lists of the last municipal or state election, being filed with
6 the city clerk, the mayor, by proclamation, shall submit such proposition at a general election.

7 If the majority of votes cast at such election be in favor of the proposition of abandoning
8 the municipal court, the officers elected at the next succeeding general election shall be those then
9 prescribed by the general law of the state for such cities and townships and upon the quali-
10 fication of such officers such municipal courts shall be abolished and the courts provided for
11 by the general law of the state established. The filing of the petition, the manner of conduct-
12 ing such election and the declaring of the result shall be as by law provided for in this act
13 for the adoption of the municipal courts, in so far as the provisions thereof are applicable.

Sec. 52. That section 1073 of the code, now applicable to justice courts, be, and the same is
2 hereby, amended to read as follows: "In all townships, except such as are included in the
3 territorial limits of municipal courts, there shall be elected by the voters at the general elec-
4 tion, two justices of the peace and two constables, who shall hold office two years and be
5 county officers."

Sec. 53. All acts and parts of acts in conflict, and not consistent herewith, are hereby
2 repealed.