

CHAPTER 133.

LIEN OF TAXES BETWEEN VENDOR AND VENDEE.

AN ACT to amend Section 853, Chapter 1, Title 6, of the Code, Relating to the Lien of Taxes between Vendor and Vendee. H. F. 185.

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

SECTION 1. That section 853, chapter 1, title 6, be and the same is hereby amended by striking out the words "first day of November" and inserting the words "thirty-first day of December." Code, section 853, amended.

Approved April 10, 1886.

CHAPTER 134.

ABOLISHING CIRCUIT COURT AND REORGANIZING JUDICIAL DISTRICTS.

AN ACT to Abolish the Circuit Court and to Enlarge the Powers and Jurisdiction of the District Court, and to Provide for Additional Judges, and to Reorganize the Judicial Districts of the State. H. F. 493.

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. Circuit court abolished January 1, 1887.

SEC. 2. On and after said first day of January, A. D. 1887, the district court shall be constituted and organized as herein District court re-organized.

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

First. The first district shall consist of the counties of Lee and Des Moines, and shall have two judges. 1st district—2 judges.

Second. The second district shall consist of the counties of Lucas, Monroe, Wapello, Jefferson, Herry, Davis, Van Buren and Appanoose, and shall have three judges. 2d district—3 judges.

Third. The third district shall consist of the counties of Wayne, Decatur, Clarke, Union, Ringgold, Taylor and Adams, and shall have two judges. 3d district—2 judges.

- 4th district—3 judges. *Fourth.* The fourth district shall consist of the counties of Cherokee, O'Brien, Osceola, Lyon, Sioux, Plymouth, Woodbury, Harrison and Monona, and shall have three judges.
- 5th district—3 judges. *Fifth.* The fifth district shall consist of the counties of Dallas, Guthrie, Adair, Madison, Warren and Marion, and shall have three judges.
- 6th district—3 judges. *Sixth.* The sixth district shall consist of the counties of Jasper, Poweshiek, Mahaska, Keokuk, Washington and Louisa, and shall have three judges.
- 7th district—3 judges. *Seventh.* The seventh district shall consist of the counties of Muscatine, Scott, Clinton and Jackson, and shall have three judges.
- 8th district—1 judge. *Eighth.* The eighth district shall consist of the counties of Johnson and Iowa, and shall have one judge.
- 9th district—3 judges. *Ninth.* The county of Polk, shall constitute the ninth district and shall have three judges.
- 10th district—3 judges. *Tenth.* The tenth district shall consist of the counties of Dubuque, Delaware, Buchanan, Black Hawk and Grundy, and shall have three judges.
- 11th district—3 judges. *Eleventh.* The eleventh district shall consist of the counties of Marshall, Story, Boone, Webster, Hamilton, Hardin, Franklin and Wright, and shall have three judges.
- 12th district—2 judges. *Twelfth.* The twelfth district shall consist of the counties of Bremer, Butler, Floyd, Mitchell, Worth, Cerro Gordo, Hancock and Winnebago, and shall have two judges.
- 13th district—2 judges. *Thirteenth.* The thirteenth district shall consist of the counties of Clayton, Allamakee, Fayette, Winneshiek, Howard and Chickasaw, and shall have two judges.
- 14th district—2 judges. *Fourteenth.* The fourteenth district shall consist of the counties of Buena Vista, Clay, Palo Alto, Kossuth, Emmet, Dickinson, Humboldt and Pocahontas, and shall have two judges.
- 15th district—4 judges. *Fifteenth.* The fifteenth district shall consist of the counties of Pottawattamie, Cass, Shelby, Audubon, Montgomery, Mills, Page and Fremont, and shall have four judges.
- 16th district—2 judges. *Sixteenth.* The sixteenth district shall consist of the counties of Ida, Sac, Calhoun, Crawford, Carroll and Green, and shall have two judges.
- 17th district—1 judge. *Seventeenth.* The seventeenth district shall consist of the counties of Tama and Benton, and shall have one judge.
- 18th district—2 judges. *Eighteenth.* The eighteenth district shall consist of the counties of Linn, Jones and Cedar, and shall have two judges.
- Takes effect. Excepting for the purpose of electing judges the provisions of this section shall not take effect until the first day of January, A. D. 1887.
- Term of office. SEC. 4. The district judge shall be a resident of the district in which he is elected, and shall hold his office for a term of four years. The first election under the provisions of this act shall be at the general election in the year 1886; *Provided however,* that the present acting judges of the district courts whose terms of office shall not have expired on or before said first day of January, 1887, shall be by virtue of their said office judges
- When elected.
- Present district judges continue till end of term for which elected.

of the district court in and for the districts created by this act in which they may severally reside; and until the terms for which said judges were elected shall expire, only so many additional judges shall be chosen under the provisions of this act, as shall be required (if any,) to make 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 at all the places where district courts or circuit courts are held at the time this act takes effect; *provided*, that the grand jury shall only be required to attend at county seats, and the district court shall hold not less than two terms at other places than county seats where the circuit court is authorized to be held, at the time this act takes effect, and the district court shall hear and determine civil causes, including probate, only as heretofore exercised at such places by the circuit court, and jurors shall be drawn thereat, as heretofore provided therefor, and *provided further*, that transcripts of all judgments, decrees, and the levy of writs of attachment on real estate, mechanics' liens, *lis pendens*, sales of real estate, redemptions, satisfaction of judgments, mechanics' liens, dismissal or decrees in *lis pendens*, together with all other matters affecting titles to real estate, shall be certified by the deputy clerk at such places other than county seats, forthwith, to the clerk of the district court at the county seats, who shall enter the same upon the records in his office in all respects as if originating and originally filed, begun or entered at the county seat of such counties, and *provided further*, that the provisions of section 163 of the Code, shall be and remain in full force and effect under the provisions of this act, *provided*, that this section shall not affect places other than county seats where courts have been held for ten years. They shall hold their courts at such times, and in such order as shall best dispose of the business thereof, and as they may arrange among themselves; *provided*, however, there shall be held not less than four terms a year in each county. In case the judges of any district are unable to agree, as to the manner of holding their courts, or as to the counties in which they are severally to preside, they shall refer the matter to the chief justice of the supreme court, who shall assign said judges to such counties as he may determine; and the chief justice of the supreme court shall also have power to assign any district judge when not occupied in holding court in his own district, to hold court in any other district, in the State, where any judge may be incapacitated from holding court, or there may arise a necessity therefor. But this section shall not be held to affect the right of the judges to interchange holding their terms of court, as now provided by law.

SEC. 6. On or before the first day of October in each odd numbered year, the judges shall meet in their respective districts, and determine the times and places of holding their courts during the two succeeding calendar years. The plan or schedule thus agreed upon, or ordered by the chief justice of the supreme

Terms; where held.

Grand jury.

Terms at other than county seats.

Civil causes heard as by circuit court.

Decrees and papers; how certified at other than county seats.

Code, section 163 remains in force.

How terms may be held.

Where judges of a district disagree as to holding courts, chief justice shall decide and make assignments.

May assign any judge to any other district, etc.

Judges may interchange.

Judges shall in odd numbered year fix times and places of holding courts.

Terms; how arranged.	<p>court, when they cannot agree, shall before going into effect be published as now required by law for similar orders of the judges of the district and circuit courts. In preparing said plan or schedule they shall so arrange if practicable that each judge shall hold at least one term of court during the year in each of the several counties of his district. The terms of the circuit court which have been set down or assigned for the year 1887 in the several counties of the state shall be held as terms of the district court, and the judges may determine anew, the times and places for holding their courts during the year 1887.</p>
Jurisdiction original and exclusive. Exceptions.	<p>SEC. 7. The district court when organized and constituted as contemplated in this chapter shall have original and exclusive jurisdiction of all actions, proceedings and remedies both civil and criminal, except in cases where exclusive or concurrent jurisdiction is or may hereafter be conferred upon some other court or tribunal by the constitution and laws of the State, and shall have and exercise all the powers usually possessed and exercised by courts of record.</p>
Powers.	<p>SEC. 8. All the rights, duties, powers and jurisdiction now by law belonging to or vested in, or exercised by the circuit court shall upon and after the first day of January 1887, be transferred to, conferred upon and exercised by the district court; and all causes, proceedings, and remedies of every kind pending or undetermined in the circuit court at said date shall stand for trial or other disposition in the district court as if originally brought therein.</p>
Powers of circuit court transferred to district court.	<p>SEC. 9. Upon the abolition of the circuit court, as in this act provided, the district court shall succeed to, and exercise full authority and jurisdiction over the records of the circuit court, and may enforce all judgments, decrees and orders thereof in the same manner and to the same extent as it may exercise like jurisdiction and authority over its own records, and for the purpose of the issuance of process, and of any and all other acts necessary to the due and efficient enforcement of the orders, judgments and decrees of the circuit court, the records thereof shall be deemed records of the district court. Transcripts and process from the judgments, decrees and records of the circuit court, shall be issued by the clerk of the district court, and under the seal of his office.</p>
District court shall succeed to records of circuit court and to its authority and jurisdiction.	<p>SEC. 10. When a change of venue is granted on the ground of objection made to the judge, such judge may in his discretion, if there be a judge or judges of the same district, against whom there is no objection, assign the cause to such judge. Or if more than one, to one of them for trial, and if there be no other judge of his district against whom there is no objection, then he may in his discretion, send the cause for trial to the nearest and most convenient county of another district for trial before a judge of such other district; or he may procure another judge of another district to interchange with him for the trial of such cause.</p>
Transcripts.	<p>SEC. 11. The judges of the district court shall have power</p>
Change of venue.	

to prescribe uniform rules of practice for the government of the district courts of the state, and to prescribe rules for making up issues in vacation, and entering in vacation, judgment in default of appearance or pleading. For that purpose, said judges shall meet in convention in the supreme court room in the capitol at the state capital, on the first Wednesday in January, A. D. 1887, and at such time thereafter as may be designated by the chief justice on the request of a majority of the district judges of the state, and shall organize by selecting a president, vice-president and secretary from their number, and the secretary of state shall upon requisition of the presiding officer supply the convention with such stationery as shall be deemed necessary for the dispatch of the business of the convention. When a majority of the convention shall have agreed upon such rules, and the time when they shall go into effect, the same shall be signed by the president and countersigned by the secretary of the convention, and filed with the secretary of state, and the secretary of state shall cause such rules to be printed, and when so printed he shall forward a certified copy thereof to the clerk of the district court in each county of the state. And the clerk shall immediately upon the receipt of such copy of the rules so adopted, spread the same upon the records of said court, and such rules shall continue in force until altered or amended in convention as provided in this act.

Rules of practice.

Judges shall meet at capitol and prescribe rules, etc.

How printed and distributed.

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

Salary of judges.

How paid.

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

Powers of clerks of district court.

First. The appointment when not contested of resident administrators, executors and guardians of minors and the approval of any and all bonds given by administrators, executors, trustees, and guardians in the discharge of their several trusts.

Appointment of administrators, etc.

Approval of bonds.

Second. The examination and approval of all intermediate or interlocutory accounts or reports of administrators, executors and guardians, but such approval may be disaffirmed or set aside by the court within the time and manner as now provided by law.

Approval of reports, etc.

Third. The making of all necessary orders in relation to the personal effects of a deceased person as contemplated in section 2386 of the Code, where no objection is filed and to do and perform all other acts and duties which are now required by law of clerks of the circuit court and not inconsistent with the provisions of this act.

Making necessary orders.

SEC. 14. Any person deeming himself aggrieved by any order made or entered by the clerk under the powers herein conferred in the last preceding section may have the same re-

Party aggrieved may be heard by court.

viewed in court at the next term thereafter upon motion, and upon such notice as the court may prescribe. Upon the filing of such motion the clerk shall place the cause or proceeding on the docket without additional docket fee and the matter shall stand for hearing on trial *de novo* in open court.

Validity of records, etc.

SEC. 15. 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.

Compensation of clerk of district court.

SEC. 16. From and after the first day of January, 1887, the clerk of the district court in each county, in addition to the compensation now provided by law shall be allowed to retain from fees collected by him in matters of probate and guardianship, such sum as may be fixed by the board of supervisors, not exceeding the sum of three hundred dollars per year; but such additional compensation shall in no case be allowed to be paid out of the county treasury.

Repealing clause.

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

Approved April 10, 1886.

CHAPTER 135.

APPROPRIATION FOR PRISONERS AID ASSOCIATION.

H. F. 549.

AN ACT Making Appropriations to the Iowa Prisoners Aid Association.

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

\$1,500 appropriated.

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifteen hundred dollars (\$1,500) one half of which is to be placed in the hands of each of the wardens of the penitentiaries of the state, and by them to be paid out to the Iowa Prisoners Aid Association on the order of its president and secretary. The wardens to keep vouchers for the payment of the same. *Provided*, however that not more than one half herein appropriated shall be drawn during the year 1886, and the remainder quarterly during the year 1887.

How drawn and paid out.

Approved April 10, 1886.