HOUSE FILE NO. 220.] [BY CASEY.

# A BILL

FOR AN ACT TO AMEND CHAPTER 5, TITLE III, OF THE CODE OF 1873, IN RELATION TO CIRCUIT AND DISTRICT COURTS AND THE JUDGES THEREOF, AND DEFINING THE POWERS OF CIRCUIT JUDGES AND THE JURISDICTION OF SAID COURTS IN CIVIL AND CRIMINAL CASES; AND TO REPEAL SECTION 586 OF SAID CODE AND ALL OTHER PROVISIONS OF LAW IN CONFLICT WITH THIS ACT.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That circuit courts
2 are hereby established throughout the state as follows: That each county therein shall con-
3 stitute a circuit, and in each of which there shall be elected by the qualified voters, at the
4 general election in the year 1880, and every two years thereafter, a circuit judge, the votes
5 for whom shall be on the same ballot with that of state officers, and shall be counted,
6 returned and certified in the same manner as in case of county returns of the vote of state
7 officers. And the county auditor shall give the person elected to said office a certificate,
8 under seal, of such election, and shall also certify and transmit to the secretary of state,
9 within five days after such canvass, a duplicate of such certificate. And the person so elected
10 shall qualify by taking the oath of office required by law, which oath shall be entered in the
11 records of said circuit court, and a certified copy of the same shall be sent to the secretary of
12 state by the clerk, and said certificates of election and qualification shall be, to the governor
13 and secretary of state, conclusive evidence of the election and qualification of such person as
14 circuit judge.

SEC. 2. The judges of said court shall hold office for the term of two years, from and
2 after the first Monday in January, 1881, and until their successors are elected and qualified;
3 but in case of a vacancy occurring in any county, the board of supervisors shall appoint a
4 judge, who shall hold office until the next general election, and until his successor is elected
5 and qualified. And such appointment and qualification shall be certified to the secretary of
6 state and shall have the same effect as in case of elections.

SEC. 3. And there shall be held in each county at least three terms of the circuit court
2 each year; and in counties having two places of holding courts, there shall be held at each
3 of such places not less than three terms each year. And the circuit judge in each county
4 shall have power and authority to appoint and hold special terms of said court for the trans-
5 action and disposal of any general or special business, including the trials of causes, when-
6 ever he may think proper or necessary; and all business and judicial proceedings had at such
7 special term shall have all the force and legal effect as if transacted at a general term. And
8 it is specially made the duty of the circuit judge to appoint and hold terms of said court for
9 the purpose of settling pleadings and issues in litigated cases, as hereafter provided. And it
10 is hereby made the duty of the circuit judge and the district judge for each county to fix
11 the times of holding the regular terms of said courts therein, in the manner now provided
12 by law.

SEC. 4. And the jurisdiction of the district court and the circuit court shall be as fol-
2 lows: The district court shall have and retain the jurisdiction, power and authority it now
3 has in all criminal cases, and also in all civil cases and proceedings: *except*, the said district
4 court shall not have or entertain jurisdiction in any civil case, in law or equity, wherein the
5 amount actually involved, or in which the verdict or finding, shall be less than the sum of
6 five hundred dollars. And the amount of the verdict or finding in any case shall be the test
7 of jurisdiction. And the circuit court shall have original and exclusive jurisdiction, except
8 as herein otherwise provided, in each county respectively, of the following actions and pro-
9 ceedings:

10 *First*—All civil actions in law and equity in which the amount involved shall not exceed
11 the sum of five hundred dollars. And no judgment for a money demand shall be rendered
12 in said court for a greater sum, unless by consent of parties, or for interest accrued after
13 commencement of suit.

14 *Second*—All matters relating to the probate of wills; the appointment and superintend-
15 ence of executors, administrators and guardians of minors, idiots, lunatics and all others
16 under guardianship.

17 *Third*—The settlement of decedents' estates and the care of the estates of minors and in-
18 sane persons, and all others under guardianship.

19 *Fourth*—And all proceedings for the examination or settlement of accounts of executors
20 and administrators and guardians.

21 *Fifth*—All applications for the sale of real estate belonging to minors or persons under
22 guardianship; and for the sale of real estate to pay claims against estates of decedents; and
23 of all matters and proceedings under title XVI, of the Code of 1873; and of all other actions

24 and proceedings of whatever kind or nature of which the circuit judge or circuit court now
25 has exclusive jurisdiction as provided by law.

26 *Sixth*—All actions of partition, or for the assignment of dower; and of all appeals in
27 special proceedings for the assessment of damages on the establishment or re-location of
28 highways, railroads and other public improvements, or the taking of private property for
29 public use: *however*, of this class of cases the subject thereof shall be the test of jurisdiction,
30 and not the amount involved; and said court shall have power to enter and enforce judg-
31 ment therein, notwithstanding the finding of the court or jury, and judgment thereon shall
32 exceed the sum of five hundred dollars.

33 *Seventh*—And said court shall have exclusive jurisdiction of all appeals and writs of error
34 from justices' and mayors' courts, and all other inferior boards and tribunals wherever ap-
35 peals are allowed in civil cases.

36 *Eighth*—The circuit court shall have equal and concurrent jurisdiction with the district
37 court in cases of divorce.

38 *Ninth*—And each circuit judge shall have the same power in regard to injunctions, writs,
39 orders, cases of habeas corpus, and other proceedings out of court, as are now exercised and
40 possessed by circuit judges.

Sec. 5. The circuit court of each county shall be a court of record, and all statutes in
2 force respecting the venue, process, and the effect and lien of judgments, and the enforcement
3 thereof by execution or attachment, and the allowance and taxing of costs, shall be and
4 remain as now fixed by law.

Sec. 6. The circuit judge shall be allowed to receive a salary not to exceed the sum of
2 fifteen hundred dollars per annum, and to be paid in fees as hereinafter provided; but in no
3 case shall such salary, or any part thereof, be chargeable to or paid by the county or state;
4 and the fees so allowed shall be in full compensation, even if the same shall not reach the
5 sum of fifteen hundred dollars. And if such fees exceed the amount of said salary, the excess
6 shall be paid into county treasury. And the judge shall keep a fee-book in which shall be
7 entered and kept a faithful account of all services rendered by him for which fees are allowed
8 by law, and shall quarterly make out an itemized account thereof, and attach a sworn state-
9 ment thereto of the correctness of the same, and that the account so rendered contains all
10 the fees either charged or collected by him, and shall file said account with the county audi-
11 tor, and an omission to make such statement shall be a misdemeanor punishable by law, and
12 a false affirmation as to the correctness and amount as fees charged or collected, or that
13 should have been charged, shall constitute the crime of perjury, and shall be punished as
14 such in the manner provided by law.

SEC. 7. In contemplation of law, the circuit court shall always be open for the transaction of any business not requiring notice; and the judge thereof shall have an office, either in the clerk's office, or such other suitable place as the board of supervisors may provide, and without expense to him; and when not holding a term of court, the judge or the clerk of said court shall keep such office open during business hours for the transaction of any business pertaining to said office. Administrators, executors and guardians have the right, at all times during business hours, except when the judge is holding court, or discharging other official duties, to make reports and settlements in relation to their respective trusts; and all that need be required in such reports or settlements shall be a record entry of the statements of such administrator, executor or guardian of the amount received by, and all sums chargeable to them, and from what source derived, and the amounts paid out, and for what purpose; but they shall not be credited therewith unless the vouchers therefor are produced and filed, giving the name to whom paid, and the amount, and on what account paid, and a brief and intelligible statement thereof entered on the record shall constitute such report or settlement, and the party making the same shall take an oath that the same is correct.

SEC. 8. The clerk of the circuit court, as now provided by law, shall continue to be the clerk thereof, and in the absence of the judge, it shall be the duty of the clerk, at all times when not otherwise officially engaged, to make such reports and settlements for administrators, executors and guardians as is required of the judge, and shall charge the same compensation therefor, and report the amount in the manner required of the judge; and the same penalty shall attach thereto for like cause: and the fees collected by the clerk, or charged by him, when collected shall be paid into the county treasury, or credited on the clerk's salary, or allowed to the judge on his salary, as may be determined and ordered by the board of supervisors, in their discretion.

SEC. 9. In all original actions in this court, in law or equity, it shall be the duty of the plaintiff, at the time of the service of the original notice, to serve a copy of the petition and exhibits upon the defendant, as a part of the service of notice, and within twenty days after such service it shall be the duty of the defendant, if he intends to make defense or join issue, to appear and plead or answer, and within five days thereafter the defendant or defendants shall serve upon the plaintiff or plaintiffs a copy of the pleas or answer so filed by him or them, and in like manner, and within the time mentioned, copies of all subsequent pleadings shall be served upon the adverse party: *however*, in cases for or against corporations or partnerships, one copy of a petition or any subsequent pleading shall be sufficient. If the defendant shall assail the petition by motion or demurrer, the plaintiff shall have the right to have the same heard within five days thereafter by the judge or court, if in session, but the trial of

12 causes shall not be postponed or delayed for this purpose, and whether within the time men-
13 tioned or a longer time shall be required, the judge must fix the day and hour and place to
14 hear the same, and the same rule shall apply to all subsequent pleadings of either party
15 until the pleadings are settled and an issue joined. For good cause shown, the court or judge
16 may extend the time of pleading in any case according to the circumstances or necessities
17 thereof, and in order to promote the ends of justice. And in all cases the issues shall be set-
18 tled before the cause shall be set down for hearing on its merits. And the judge shall make
19 all needful rules, regulations and orders to carry this provision into effect and establish rules
20 of practice in regard thereto.

SEC. 10. At the time the issues are settled, the judge shall fix the time for trial, and if
2 either party ask for a jury at that time, or within five days before the time for trial, it shall
3 be so ordered; and any party desiring a case to be tried by jury shall, before the expiration
4 of the time of ordering a jury trial, give bond, with security to be approved by the judge or
5 clerk, for the payment of the jury fees; and the successful party shall recover judgment for
6 such fees, as the costs may be awarded by the court, and the party in whose favor the same may
7 be allowed shall have judgment therefor. But in every case it shall be obligatory upon the
8 court to cause judgment to be rendered on the bond given for jury fees, and against the prin-
9 cipal and securities therein, and execution shall issue thereon at any time on the order of the
10 judge, or any member of the board of supervisors. However, it is expressly provided that in
11 any casy triable by jury, if either party desiring a jury shall make affidavit of the fact, or
12 otherwise satisfactorily make it appear to the judge or court that such party has a merit-
13 orious cause of action or defense, as the case may be, and is unable to pay or secure a jury
14 fee; in such case, it shall be the duty of the judge to order a jury trial without requiring
15 bond, and the county shall pay the jury charges therein, and recover the same back off of
16 the losing party, and judgment therefor shall be rendered in favor of the county.

SEC. 11. The jury in this court shall consist of six persons only, and shall be selected as
2 now provided by law; and all the rules in reference to trial by jury are hereby retained, ex-
3 cept either party are limited to two peremptory challenges. But jury trials shall be only at
4 the regular terms of court, unless by consent; then at any time.

SEC. 12. The judge of the circuit court, in all business transacted by him which is now
2 performed by the clerk, shall be allowed the same fees therefor as is now allowed to the
3 clerk, except as herein changed or otherwise provided for. He shall be allowed twenty-five
4 cents for an order of payment of a claim against an estate or in favor of a minor. He may
5 issue citations when allowed by law, under seal of the court, and charge fifty cents therefor.
6 He shall be allowed a trial fee in all cases of two dollars when not more than one day is

occupied therein, and two dollars for each additional day if more than one. He may charge one dollar in each application for an injunction, whether allowed or refused, and when such application shall be heard on motion, and resisted, three dollars in each case, whether granted or refused. He is authorized to administer oaths and take acknowledgments, and shall be allowed therefor the compensation fixed by law; and the seal of the circuit court shall be his seal of office when evidenced by seal. He shall have the docket fee in all original cases by petition, and the party filing the same shall pay the sum of two dollars; also he may charge for entering of record reports and settlements twenty cents per one hundred words, and fifteen cents for each voucher filed, and two dollars on proof of each will. And all matters now transacted by the clerk in probate business and cases may be done by the judge, as well as the clerk, and when by him he shall charge the same fees as now allowed the clerk and not herein changed, and when the clerk performs such duty he shall charge the fees herein provided, and as fixed by law.

SEC. 13. Either party desiring it may have the testimony taken down by a short-hand reporter, as now provided by law: *except*, the compensation of such short-hand reporter is hereby fixed at four dollars per day of six hours, or fractional part thereof, and the party demanding the service shall pay for the same, if required by the reporter in the first instance, but the fees therein shall be taxed to the losing party as other costs are taxed. And in no case shall the county be allowed to pay for the services of such reporter, unless the county is a party to the suit.

SEC. 14. Judges of the circuit court shall have the right to exchange with and hold courts for each other, and any circuit judge may, at any time, at the request of another, hold court in the place of such other judge for the trial of jury cases, or such other cases as may be for trial at any regular term of court, or may try and hear any case at any other time at the request of the judge and by consent of parties, as well as in all cases in which the judge has an interest or has been of counsel.

SEC. 15. Changes of the venue are allowed as now provided by law, except when the change is asked for cause existing against the inhabitants of the county; the party demanding the change shall, within five days thereafter, give a bond, with approved security, for the payment of the costs which have been or may thereafter accrue in the case; either the judge or clerk may approve such bond, and the change shall not be granted until such bond is filed and approved; and application for the change must be made before the time fixed for trial, if the cause for the change then existed and was known to the party; but, if not known, the application may be made afterward, and the change granted upon payment or security of the costs made by the opposite party in view of trying the case at the time set for trial; and

when the change is allowed for cause existing against the inhabitants, the case shall be sent to one of the nearest adjoining circuits. If the cause is to the judge, the case may be retained in the county, and another circuit judge may try the same, or the cause sent to an adjoining county, at the discretion of the judge, or as the parties may agree; but if sent out of the county, bond for costs shall be given as aforesaid.

SEC. 16. A jury in the circuit court shall consist of six persons only, and in drawing the jurors for said court only that number shall be selected and summoned at the expense of the party or parties calling the jury, which expense shall be allowed as costs; and the same jury shall be retained for the term.

SEC. 17. Parties shall have the right to an appeal to the supreme court from any judgment, or order of the court or judge, in all cases in which an appeal is now allowed and in the manner prescribed by law.

SEC. 18. All laws in relation to justices' courts and mayors' courts, and the jurisdiction thereof, are hereby retained and remain unaltered.

SEC. 19. All acts, parts of acts, and laws consistent with this act are hereby retained and declared applicable hereto. And all acts, parts of acts, and laws inconsistent and in conflict with this act, are hereby repealed and declared inoperative and void, and as effectually as if specifically referred to herein.

*House File 220*

MR. SPEAKER:

Your special committee, to whom was referred the question respecting a change in the circuit court system, beg leave to report that they have had the same under consideration, and after due deliberation are in favor of a change therein, and in this connection have duly considered several bills, and as the one best adapted to the objects desired, unanimously recommend the passage of house file No. 220, with certain amendments thereto, made by the committee; and after their adoption the committee reccommend that the bill do pass; and the bill, with the amendments, are herewith reported to the house.

G. McGREGOR, *Chairman.*

Ordered passed on file.

AMENDMENTS.

Sec. 4. Amend Sec. 4 by striking out all after the word "amount," in the 5th line, to the period, in the 7th line, after the word "jurisdiction," and insert the following: "claimed shall be five hundred dollars or less. And if an amount greater than that shall be demanded and judgment thereon rendered for a sum less than five hundred dollars, the party entitled shall have the benefit of such judgment, but the plaintiff shall be required to pay the costs which accrued in the case, and the defendant shall have judgment therefor."

Sec. 4. Amend Sec. 4, paragraph 7, by adding thereto, at end of line 35, the following: "also of actions of slander and for the recovery of damages in cases of simple assault and battery. And in all other actions of tort and injury to the person, the district court shall have jurisdiction; and if the amount recovered shall be five hundred dollars or less, the successful party shall be entitled to costs, notwithstanding the amount of the judgment: *however,* if in this class of cases the plaintiff elect to sue for five hundred dollars or less, the circuit court shall entertain jurisdiction thereof."

Sec. 11. In line 2, after word "law," add: "unless the party requesting a jury as aforesaid shall at the time demand a jury of twelve persons, and in such case the party making the demand shall deposit with the clerk a sufficient amount in money to pay for the services of such jury. But it shall be presumed that the parties have consented to a trial by six jurors unless twelve are specially demanded in writing. And in every case the right to trial by jury shall be considered waived by the parties unless expressly demanded in writing, as provided for in section 10 hereof, and that the parties have elected to try the case to the court."

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Sec. 11. After the word "challenges," in 3d line, add: "*except,* when the jury shall consist of twelve, there shall be allowed one additional peremptory challenge to either side."

Sec. 16. In first line, strike out the word "only" and insert in lieu thereof "except as herein provided."

Sec. 16. And add at the end of section 16 the following: "*provided, however,* if a jury of twelve persons shall be demanded, as herein provided, that number shall be drawn, and the first six of whom shall constitute the regular panel for the trial of causes in which that number are required."

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# A BILL

FOR AN ACT TO AMEND CHAPTER 5, TITLE III, OF THE CODE OF 1873, IN RELATION TO CIRCUIT AND DISTRICT COURTS AND THE JUDGES THEREOF, AND DEFINING THE POWERS OF CIRCUIT JUDGES AND THE JURISDICTION OF SAID COURTS IN CIVIL AND CRIMINAL CASES; AND TO REPEAL SECTION 586 OF SAID CODE, AND ALL OTHER PROVISIONS OF LAW IN CONFLICT WITH THIS ACT.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That circuit
2 courts are hereby established throughout the state as follows: That each county therein shall
3 constitute a circuit, and in each of which there shall be elected by the qualified voters, at the
4 general election in the year 1880, and every two years thereafter, a circuit judge, the votes
5 for whom shall be on the same ballot with that of state officers, and shall be counted,
6 returned and certified in the same manner as in case of county returns of the vote of state
7 officers. And the county auditor shall give the person elected to said office a certificate,
8 under seal, of such election, and shall also certify and transmit to the secretary of state,
9 within five days after such canvass, a duplicate of such certificate. And the person so elected
10 shall qualify by taking the oath of office required by law, which oath shall be entered in the
11 records of said circuit court, and a certified copy of the same shall be sent to the secretary of
12 state by the clerk, and said certificates of election and qualification shall be, to the governor
13 and secretary of state, conclusive evidence of the election and qualification of such person
14 as circuit judge.

SEC. 2. The judges of said court shall hold office for the term of two years, from and
2 after the first Monday in January, 1881, and until their successors are elected and qualified;

but in case of a vacancy occurring in any county, the board of supervisors shall appoint a judge who shall hold office until the next general election, and until his successor is elected and qualified. And such appointment and qualification shall be certified to the secretary of state, and shall have the same effect as in case of elections.

SEC. 3. And there shall be held in each county at least three terms of the circuit court each year; and in counties having two places of holding courts, there shall be held at each of such places not less than three terms each year. And the circuit judge in each county shall have power and authority to appoint and hold special terms of said court for the transaction and disposal of any general or special business, including the trials of causes, whenever he may think proper or necessary; and all business and judicial proceedings had at such special term shall have all the force and legal effect as if transacted at a general term. And it is specially made the duty of the circuit judge to appoint and hold terms of said court for the purpose of settling pleadings and issues in litigated cases, as hereafter provided. And it is hereby made the duty of the circuit judge and the district judge for each county to fix the times of holding the regular terms of said courts therein, in the manner now provided by law.

SEC. 4. And the jurisdiction of the district court and the circuit court shall be as follows: The district court shall have and retain the jurisdiction, power and authority it now has in all criminal cases, and also in all civil cases and proceedings: *except*, the said district court shall not have or entertain jurisdiction in any civil case, in law or equity, wherein the amount actually involved, or in which the verdict or finding, shall be less than the sum of five hundred dollars. And the amount of the verdict or finding in any case shall be the test of jurisdiction. And the circuit court shall have original and exclusive jurisdiction, except as herein otherwise provided, in each county respectively, of the following actions and proceedings:

*First*—All civil actions in law and equity in which the amount involved shall not exceed the sum of five hundred dollars. And no judgment for a money demand shall be rendered in said court for a greater sum, unless by consent of parties, or for interest accrued after commencement of suit.

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22 guardianship; and for the sale of real estate to pay claims against estates of decedents; and
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SEC. 9. In all original actions in this court, in law or equity, it shall be the duty of the plaintiff, at the time of the service of the original notice, to serve a copy of the petition and exhibits upon the defendant, as a part of the service of notice, and within twenty days after such service it shall be the duty of the defendant, if he intends to make defense or join issue, to appear and plead or answer, and within five days thereafter the defendant or defendants shall serve upon the plaintiff or plaintiffs a copy of the pleas or answers so filed by him or

them, and in like manner, and within the time mentioned, copies of all subsequent pleadings shall be served upon the adverse party: *however*, in cases for or against corporations or partnerships, one copy of a petition or any subsequent pleading shall be sufficient. If the defendant shall assail the petition by motion or demurrer, the plaintiff shall have the right to have the same heard within five days thereafter by the judge or court, if in session, but the trial of causes shall not be postponed or delayed for this purpose, and whether within the time mentioned or a longer time shall be required, the judge must fix the day and hour and place to hear the same, and the same rule shall apply to all subsequent pleadings of either party until the pleadings are settled and an issue joined. For good cause shown, the court or judge may extend the time of pleading in any case, according to the circumstances or necessities thereof, and in order to promote the ends of justice. And in all cases the issues shall be settled before the cause shall be set down for hearing on its merits. And the judge shall make all needful rules, regulations and orders to carry this provision into effect and establish rules of practice in regard thereto.

SEC. 10. At the time the issues are settled, the judge shall fix the time for trial, and if either party ask for a jury at that time, or within five days before the time for trial, it shall be so ordered; and any party desiring a case to be tried by jury shall, before the expiration of the time of ordering a jury trial, give bond, with security to be approved by the judge or clerk, for the payment of the jury fees; and the successful party shall recover judgment for such fees, as the costs may be awarded by the court, and the party in whose favor the same may be allowed shall have judgment therefor. But in every case it shall be obligatory upon the court to cause judgment to be rendered on the bond given for jury fees, and against the principal and securities, therein, and execution shall issue thereon at any time on the order of the judge, or any member of the board of supervisors. However, it is expressly provided that in any case triable by jury, if either party desiring a jury shall make affidavit of the fact, or otherwise satisfactorily make it appear to the judge or court that such party has a meritorious cause of action or defense, as the case may be, and is unable to pay or secure a jury fee; in such case, it shall be the duty of the judge to order a jury trial without requiring bond, and the county shall pay the jury charges therein, and recover the same back off of the losing party, and judgment therefor shall be rendered in favor of the county.

SEC. 11. The jury in this court shall consist of six persons only, and shall be selected as now provided by law; and all the rules in reference to trial by jury are hereby retained, except either party are limited to two peremptory challenges. But jury trials shall be only at the regular terms of court, unless by consent, then at any time.

SEC. 12. The judge of the circuit court, in all business transacted by him which is now performed by the clerk, shall be allowed the same fees therefor as is now allowed to the clerk, except as herein changed or otherwise provided for. He shall be allowed twenty-five cents for an order of payment of a claim against an estate or in favor of a minor. He may issue citations when allowed by law, under seal of the court, and charge fifty cents therefor. He shall be allowed a trial fee in all cases of two dollars, when not more than one day is occupied therein, and two dollars for each additional day if more than one. He may charge one dollar in each application for an injunction, whether allowed or refused, and when such application shall be heard on motion, and resisted, three dollars in each case, whether granted or refused. He is authorized to administer oaths and take acknowledgments, and shall be allowed therefor the compensation fixed by law; and the seal of the circuit court shall be his seal of office when evidenced by seal. He shall have the docket fee in all original cases by petition, and the party filing the same shall pay the sum of two dollars; also he may charge for entering of record reports and settlements twenty cents per one hundred words, and fifteen cents for each voucher filed, and two dollars on proof of each will. And all matters now transacted by the clerk in probate business and cases may be done by the judge, as well as the clerk, and when by him he shall charge the same fees as now allowed the clerk and not herein changed, and when the clerk performs such duty he shall charge the fees herein provided, and as fixed by law.

SEC. 13. Either party desiring it may have the testimony taken down by a short-hand reporter, as now provided by law: *except*, the compensation of such short-hand reporter is hereby fixed at four dollars per day of six hours, or fractional part thereof, and the party demanding the service shall pay for the same, if required by the reporter in the first instance, but the fees therein shall be taxed to the losing party as other costs are taxed. And in no case shall the county be allowed to pay for the services of such reporter, unless the county is a party to the suit.

SEC. 14. Judges of the circuit court shall have the right to exchange with and hold courts for each other, and any circuit judge may, at any time, at the request of another, hold court in the place of such other judge, for the trial of jury cases, or such other cases as may be for trial at any regular term of court, or may try and hear any case at any other time at the request of the judge and by consent of parties, as well as in all cases in which the judge has an interest or has been of counsel.

SEC. 15. Changes of the venue are allowed as now provided by law, except when the change is asked for cause existing against the inhabitants of the county; the party demanding the change shall, within five days thereafter give a bond, with approved security for the

payment of the costs which have been or may thereafter accrue in the case; either the judge or clerk may approve such bond, and the change shall not be granted until such bond is filed and approved; and application for the change must be made before the time fixed for trial, if the cause for the change then existed and was known to the party; but if not known, the application may be made afterward, and the change granted upon payment or security of the costs made by the opposite party in view of trying the case at the time set for trial; and when the change is allowed for cause existing against the inhabitants, the case shall be sent to one of the nearest adjoining circuits. If the cause is to the judge, the case may be retained in the county, and another circuit judge may try the same, or the cause sent to an adjoining county, at the discretion of the judge, or as the parties may agree; but if sent out of the county, bond for costs shall be given as aforesaid.

SEC. 16. A jury in the circuit court shall consist of six persons only, and in drawing the jurors for said court only that number shall be selected and summoned at the expense of the party or parties calling the jury, which expense shall be allowed as costs; and the same jury shall be retained for the term.

SEC. 17. Parties shall have the right to an appeal to the supreme court from any judgment, or order of the court or judge, in all cases in which an appeal is now allowed and in the manner prescribed by law.

SEC. 18. All laws in relation to justices' courts and mayors' courts, and the jurisdiction thereof, are hereby retained and remain unaltered.

SEC. 19. All acts, parts of acts and laws consistent with this act are hereby retained and declared applicable hereto. And all acts, parts of acts and laws inconsistent and in conflict with this act, are hereby repealed and declared inoperative and void, and as effectually as if specifically referred to herein.