

A BILL

FIXING THE COMPENSATION OF JUSTICES OF THE PEACE.

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

SECTION 1. That all of Section 3804 in Chapter 2 of Title XXIII of the Code is hereby
2 repealed.

SEC. 2. That in lieu of said Section 3804 of the Code, be it enacted that the following
2 shall hereafter constitute said Section 3804 in Chapter 2 of Title XXII of said Code: "Sec-
3 tion 3804. Paragraph 1. Justices of the peace in all the townships in the State of Iowa, in
4 all civil and in all criminal proceedings before them, of whatever kind, and of which pro-
5 ceedings they may acquire lawful jurisdiction, shall tax, and to be paid as heretofore pro-
6 vided, the following fees or costs :

7 For docketing each case, in any action or proceeding, except in garnishment proceed-
8 ings, fifty cents ;

9 For issuing original notice, fifty cents ;

10 For issuing a writ of attachment or an order for the delivery of personal property,
11 twenty-five cents ;

12 For drawing and approving bond when required in any case, fifty cents ;

13 For entering judgment by confession after suit brought, fifty cents ;

14 For entering judgment not on suit brought, one dollar ;

15 For entering judgment by default, or on plea of guilty, fifty cents ;

16 For entering judgment when contested, fifty cents ;

17 For an additional when a jury is called, one dollar ;

18 For issuing venire when jury is called, five cents ;

19 For each subpoena, in civil cause, when demanded, twenty-five cents ;

20 For each oath or affirmation, except in connection with suits before him, five cents ;

21 For each continuance, at the request of either party, fifty cents ;

22 For setting aside each judgment by default, fifty cents ;

23 For each information and affidavit, fifty cents ;

24 For each execution, renewal or warrant of any kind, fifty cents ;

25 For each bond or recognition, fifty cents ;

26 For each mittimus or order of discharge, fifty cents ;

27 For each official certificate or acknowledgement, twenty-five cents ;

28 For making and certifying transcript, fifty cents ;

29 For trial of all causes, civil or criminal, for each six hours or fraction thereof, one dol-
30 llar;

31 For all money collected and paid over without suit, five per cent., and for all money
32 collected and paid over after suit brought, without judgment, two per cent., which shall
33 be added to the costs.

Paragraph 2. In every county in this State wherein is situated any city having a popu-
2 lation of four thousand or more, according to the State census of 1885, and which may have
3 a population of four thousand or more according to any United States or any State census
4 hereafter, as they may come in legal succession as to date, and which may embrace a part of
5 any township, or one or more townships of said county, the board of supervisors of such
6 county having such city, shall at their first regular meeting on the first Monday in January
7 in the year, 1887, and in every second year thereafter, fix and establish by proper resolution
8 the salary of each of the justices of the peace in and for each of the said townships en-
9 braced in whole or in part by such city of four thousand inhabitants or upward, in lieu of
10 all fees provided in this section for the discharge of any official duty as such officer, in crimi-
11 nal actions and proceedings of which they may have legal jurisdiction. That as compen-
12 sation for such official duties said justices of the peace shall neither demand nor receive nor
13 be entitled to receive any other fees or compensation than such salary so fixed and estab-
14 lished. That the said board of supervisors shall not, during the term for which any of
15 said justices shall have been either elected or appointed, either increase or diminish the
16 salary so fixed and established according to the provisions of this system. That said salary
17 so fixed shall be paid out of the county treasury quarterly, at the end of each quarter upon
18 the order of said board of supervisors. That for all civil business and proceedings and ser-
19 vices rendered by all or any of the justices of the peace in this State, they shall receive
20 only the fees provided for such civil business, in this action, and such fees shall full com-
21 pensation for such services and to be paid by the losing party, or by the plaintiff in case the
22 same cannot be collected from the defendant when the losing party. That justices of the
23 peace exercising their jurisdiction in townships not embracing any city of four thousand
24 inhabitants or more, shall receive compensation for criminal business as is now provided in
25 the first paragraph of this section and in section 3806 of the code.

Paragraph 3. All costs taxed against and collected from either the prosecuting witness
2 or the defendant in case of conviction or otherwise in any criminal proceeding before any
3 before any justice of the peace in this State; and all fines and forfeitures collected or re-
4 ceived by any of such justices of the peace shall, within ten days from the receipt of the
5 same or any part thereof, be paid by said justice of the peace into the county treasury; and
6 it is made the duty of the said justice of the peace to furnish to the person making such
7 payment, in whole or in part, duplicate receipts of such payment of said costs, fines or for-

8 feitures: one of which receipts shall, within ten days, be forwarded by the person receiving
9 the same to the county treasurer, and such county treasurer shall file the same in his office,
10 and keep an accurate account therefrom in a book kept for that purpose, charging such
11 justice of the peace with such sum as is evidenced by said duplicate receipt.

Paragraph 4. That all costs in criminal cases paid into the county treasury as provided
2 in the third paragraph of this section shall be carried by the said county treasurer to the
3 general fund of such county and shall be charged to him on his books as such ; and all fines
4 and forfeitures herein named shall be paid by said treasurer into the general school fund
5 of such county.

Paragraph 5. Until the salary designated in this section is fixed by such board of super-
2 visors, justices of the peace in townships embraced in whole or in part by cities of four
3 thousand inhabitants or more, shall receive the same compensation and the same fees, and
4 in the same manner as justices of the peace in all other townships in the State.