

PART IV

REDRESS OF CIVIL INJURIES

Justices of the Peace

CHAPTER 530

JUSTICE COURTS

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530.01 JURISDICTION. The jurisdiction of justices of the peace is coextensive with the limits of the county in which they reside, except in the following cases:

- (1) Writs of attachment may be directed to the proper officer in any county for the purpose of causing an attachment of property therein;
- (2) Garnishee process may run into, and be served on the garnishee in, any county.

This section shall not affect the jurisdiction of any city justice or justice of the peace under the charter of any city situated in two or more counties.

[R L s 3882; 1973 c 123 art 5 s 7] (8993)

530.02 PLACE OF HOLDING COURT. Every justice of the peace shall keep his office in the town, statutory city, city, or ward for which he is elected; but he may issue process in any place in the county, and, in his discretion, for the convenience of parties, may make any civil or criminal process issued by him returnable, and may hold his court, at any place which he shall appoint in the town, statutory city, or ward within his county adjoining the town or ward in which he resides, or in any statutory city located within his town.

[R L s 3883; 1973 c 123 art 5 s 7] (8994)

530.03 OFFICE, WHERE NOT TO BE HELD. No justice of the peace shall hold his office or court in any saloon, nor in any room adjacent to a saloon, or connecting therewith by door or otherwise. Nor shall he hold his office in the same room with a practicing attorney unless such attorney is his law partner, and in that case such partner shall not appear or act as an attorney in any case before such justice.

[R. L. s. 3884] (8995)

530.04 POWERS; LAWS APPLICABLE. A justice of the peace may hold a court for the trial of all actions enumerated in section 530.05, and hear, try, and determine the same; and for that purpose, where no special provision is otherwise made by law, such court shall have all the powers possessed by courts of record, and all laws of a general nature shall apply to such justice's court, so far as the same are applicable and not inconsistent with the provisions of this chapter; but no justice of the peace shall charge the jury.

[R. L. s. 3885] (8996)

530.05 ACTIONS WITHIN JURISDICTION. Such justice shall have jurisdiction of the following actions and proceedings:

- (1) An action arising on contract, for the recovery of money only, if the sum claimed does not exceed \$100;

(2) An action for damages for an injury to the person or to real property, or for taking, detaining, or injuring personal property, if the damages claimed, or, in replevin, the value of the property in controversy, does not exceed \$100;

(3) An action for a penalty given by statute, not exceeding \$100;

(4) An action upon a bond conditioned for the payment of money not exceeding \$100, though the penalty exceeds that sum; the judgment to be given for the sum actually due. When the payments are to be made by instalments, an action may be brought for each as it becomes due;

(5) An action upon an official bond, or bond taken by him, if the penalty does not exceed \$100;

(6) To take and enter judgment on the confession of a defendant, when the amount does not exceed \$100.

[*R. L. s. 3886*] (8997)

530.06 ACTIONS NOT WITHIN JURISDICTION. The jurisdiction conferred by section 530.05 does not extend to a civil action:

(1) In a cause involving the title to real estate;

(2) Nor for false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction, or upon a promise to marry;

(3) Nor for an action against an executor, administrator, or guardian, as such.

[*R. L. s. 3887*] (8998)

530.07 ACTION, WHERE BROUGHT. Actions shall in all cases be brought in the town or city where the plaintiff or defendant, or one of several plaintiffs or defendants, resides, or where an attorney at law licensed to practice in courts of record, representing plaintiff in the action, resides, or at the county-seat. If the defendant does not reside in the state, the action may be brought in any town or city in the county in which he is found. If there be no justice in the proper town, the action may be brought before any justice in an adjoining town in the same county.

[*R. L. s. 3888; 1973 c. 123 art. 5 s. 7*] (8999)

530.08 DOCKET; CONTENTS. Every justice of the peace shall keep a docket in which he shall enter:

(1) The title of all causes commenced before him;

(2) The time when the process issued, the nature thereof, when returnable, and the return of the officer;

(3) The time when the parties appeared before him;

(4) A brief statement of the nature of the plaintiff's demand, and the amount claimed, and, if any set-off was pleaded, a similar statement thereof;

(5) Every adjournment, stating at whose request, and to what time and place;

(6) The time when the trial was had, and whether the same was by jury or by the justice;

(7) The verdict of the jury, and when rendered;

(8) The judgment, the time of issuing execution, the name of the officer to whom delivered, an account of the debt, damages, and costs, and the fees due to each person, separately;

(9) The fact that an appeal was taken and allowed, and the time thereof;

(10) Satisfaction of judgment, when made;

(11) All questions of law raised by either party, the order made by the court thereon, any exception taken to such order, and all other matters that are material.

[*R. L. s. 3889*] (9000)

530.09 PROCURING DOCKET; DISPOSITION. Every justice who shall not receive a suitable docket from his predecessor in office shall procure one at the expense of his town, and at the expiration of his term deliver the same, together with any docket received from his predecessor to his successor in office. If, at the expiration of his term, no successor has been elected, he shall deposit all books, dockets, and papers pertaining to his office with the clerk of the district court of his county who shall deliver the same to the successor of such justice when called for. During the time the docket remains in the possession of the clerk of court, he shall have the power and it shall be his duty, upon being paid the fees therefor, to issue transcripts of judgment in the docket, and executions on the judgments, in the same manner as the justice of the peace who rendered the judgments might have done.

[*R. L. s. 3890; 1913 c. 116 s. 1*] (9001)

530.10 CONTEMPTS; PROCEEDINGS; PUNISHMENT. No person shall be punished for contempt before a justice of the peace until given an opportunity to be heard in his defense. If present, the offender may be summarily arraigned without a warrant. If not, the justice may issue his warrant to bring such offender before him. Punishment for a contempt may be by fine not exceeding \$20 or imprisonment in the county jail not exceeding two days.

[*R. L. s. 3995*] (9106)

530.11 CONTEMPT; RECORD OF CONVICTION, WHERE FILED; COMMITMENT. Upon a conviction for contempt, the justice shall make up a record of the proceeding, stating the particular circumstances of the offense, and the judgment rendered thereon, and shall enter the same in his docket as in civil cases, and file the same with the clerk of the district court. Every warrant of commitment for contempt shall set forth the particular circumstances of the offense, or it shall be void.

[*R. L. s. 3996*] (9107)

530.12 DISOBEDIENT WITNESS. When any witness attending before a justice of the peace in any cause shall refuse to be sworn in some form prescribed by law, or to answer any proper question, such justice may, by order, commit him to the county jail. Such order shall specify the cause for which the same is issued, and, if for refusing to answer a question, such question shall be specified therein; and such witness shall be closely confined pursuant to such order until he submits to be sworn or to answer, as the case may be. The justice shall thereupon adjourn such cause, upon the request of the party, for such time as shall be reasonable, or until the witness shall testify therein.

[*R. L. s. 3997*] (9108)

530.16 JUSTICES OF THE PEACE, ABOLISHED. After a municipal court is hereafter organized in any city, no justice of the peace, whether termed police magistrate, city justice, ward justice, or otherwise, shall be elected or appointed for the city. Any justice then in office in such city shall continue in his office until the expiration of his term, but the office shall cease to exist upon the expiration of his term or when an earlier vacancy occurs.

[*1957 c 660 s 1; 1971 c 24 s 52*]

530.17 OFFICE CONTINUED BY RESOLUTION. In any city of the second, third or fourth class in which a municipal court now exists, no justice of the peace, whether termed police magistrate, city justice, ward justice, or otherwise, shall be hereafter elected or appointed except that the council or governing body of any city of the second, third, or fourth class may by resolution duly adopted prior to the effective date of this section, provide for the continuation in such city of the office of justice of the peace, whether termed police magistrate, city justice, or otherwise, in which event the office shall be continued until the end of the term during which the council or governing body of such city shall by resolution duly adopted discontinue the office. Subject to the provisions of this section, any justice or magistrate now in office in such city shall continue in office until the expiration of his term, but the office shall cease to exist upon the expiration of his term or when an earlier vacancy occurs.

[*1957 c 660 s 2; 1971 c 24 s 53*]