

JUDICIAL DISTRICTING IN IOWA

The purpose of this paper is to outline briefly the history of judicial districting in Iowa, and to indicate by maps the territory included in the several districts which were established from time to time. The history of Iowa readily falls into three main divisions: (1) the Territorial period; (2) the period of the first Constitution; (3) the period of the present Constitution. And so the history of judicial districting will be treated in the order of these divisions.

I

THE TERRITORIAL PERIOD

Iowa has an interesting Territorial history. By an act of Congress, approved June 28, 1834, the Iowa country was attached to the Territory of Michigan. On April 20, 1836, it was made a part of the original Territory of Wisconsin; and two years later, on June 12, 1838, Congress passed an act establishing the Territory of Iowa. After eight years of Territorial existence, Iowa was admitted to the Union as a State on December 28, 1846.

JUDICIAL STATUS DURING THE MICHIGAN PERIOD

There really was no judicial districting of the Iowa country during the two years that it formed a part of the Territory of Michigan. However, on September 6, 1834, by an act of the Legislative Council the territory lying west of the Mississippi and north of a line drawn due west from the

lower end of Rock Island to the Missouri River was organized into the County of Dubuque. The territory south of this line was organized as the County of Demoine.¹

Moreover, section three of this act of the Legislative Council of the Territory of Michigan provided that "a county court shall be and hereby is established in each of the said counties;" while section six declared that "Process, civil and criminal, issued from the circuit court of the United States for the county of Iowa, shall run into all parts of said counties of Dubuque and Demoine, and shall be served by the sheriff or other proper officer, within either of said counties; writs of error shall lie from the circuit court for the county of Iowa, to the county courts established by this act, in the same manner as they now issue from the supreme court to the several county and circuit courts of the Territory."²

Thus it will be seen that during the Michigan period the Iowa country formed an area which was subject to the jurisdiction of the Circuit Court of the United States for the County of Iowa. (See Map I.)

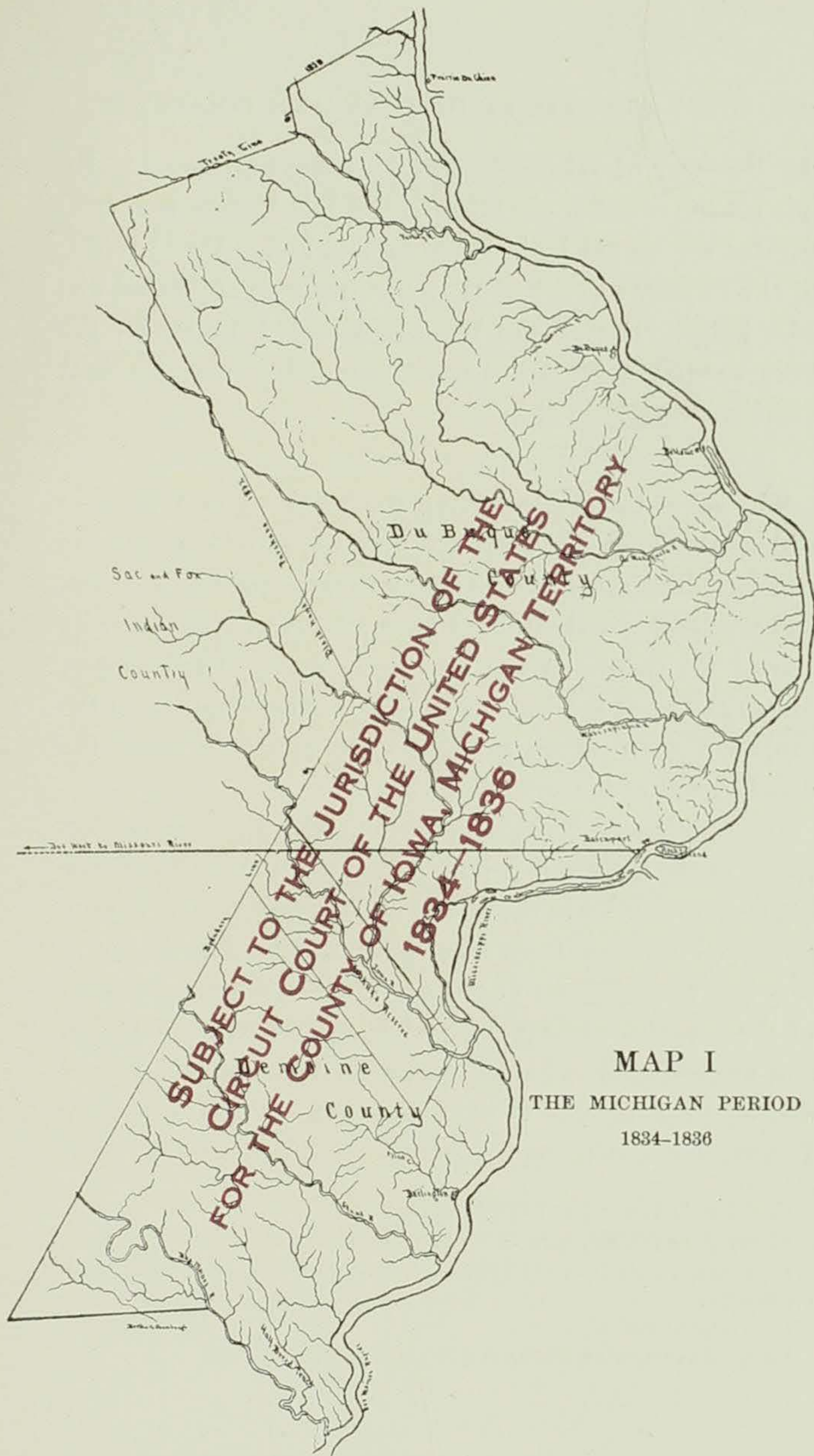
JUDICIAL DISTRICTING DURING THE WISCONSIN PERIOD

Section nine of the Organic Act establishing the original Territory of Wisconsin made provision for dividing the Territory into three judicial districts.³ Accordingly, among the first acts passed by the first Legislative Assembly was one entitled "An Act to establish the judicial districts of

¹ This spelling is preferred to "Des Moines" when reference is made to the original county.

² *Laws of the Territory of Michigan*, Vol. III, p. 1326.

³ *Laws of the Territory of Wisconsin*, 1836, p. 8.



MAP I
 THE MICHIGAN PERIOD
 1834-1836

the Territory of Wisconsin, and for other purposes."¹ By this act the counties of Dubuque and Des Moines were constituted the second judicial district and Judge David Irwin, of the Supreme Court of the Territory, was appointed district judge. During the Wisconsin period, therefore, the Iowa country formed a distinct and independent judicial district. (See Map II.)

THE PROCLAMATION OF SECRETARY CONWAY

The act of Congress dividing the Territory of Wisconsin and establishing the Territory of Iowa, provided that the new Territory should be divided into three judicial districts, and that each district should have a court presided over by one of the judges of the Supreme Court. Furthermore, unless and until the legislature should pass some act on the subject, the Governor was given the power to define the districts and assign the judges.²

In accordance with this provision, Wm. B. Conway, Secretary of the Territory (who had assumed the duties of Acting Governor prior to the arrival of Governor Robert Lucas), issued, on July 25, 1838, a proclamation dividing the Territory into three judicial districts.³ The first district consisted of the counties of Clayton, Dubuque, Jackson, and Cedar, and was assigned to Judge Thomas S. Wilson. The second district was composed of the counties of Scott, Musquetine,⁴ Louisa, Slaughter,⁵ and Johnson, and the district court

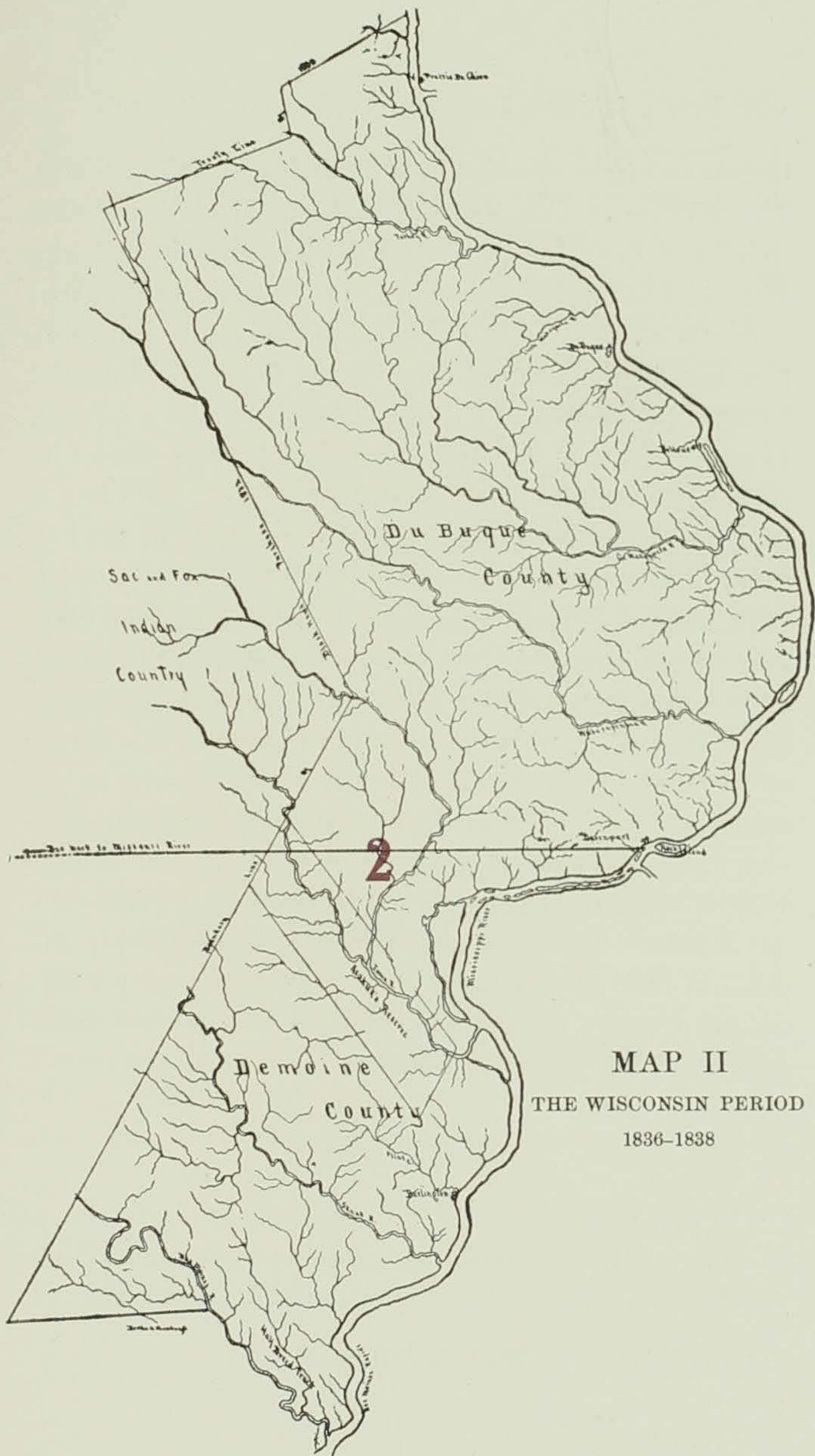
¹ *Laws of the Territory of Wisconsin*, 1836, p. 18.

² *Laws of the Territory of Iowa*, 1838, pp. 31-40.

³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 206-208.

⁴ The original spelling.

⁵ Name changed to "Washington" by act of January 25, 1839.



MAP II
 THE WISCONSIN PERIOD
 1836-1838

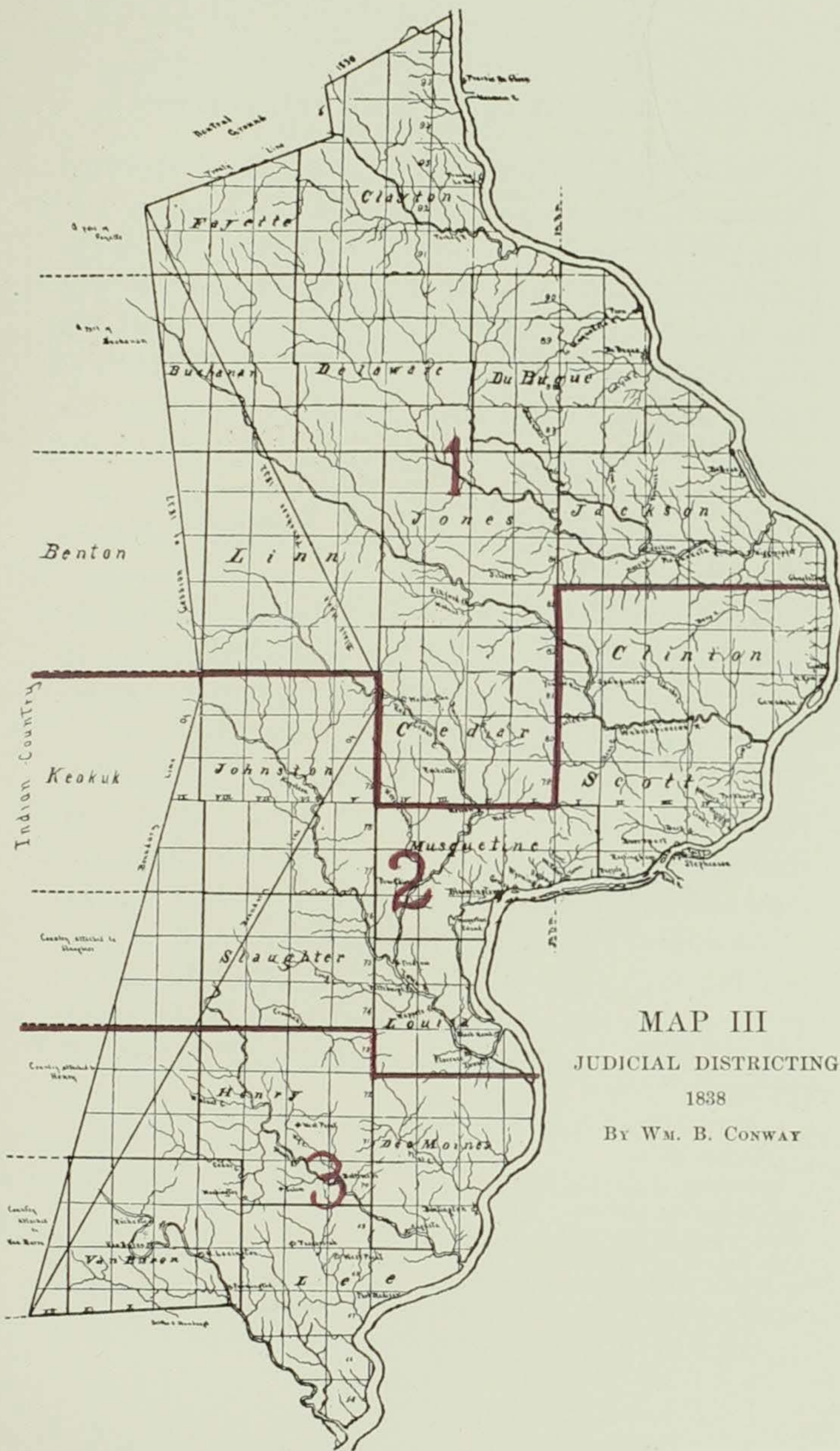
therein was to be presided over by Judge Joseph Williams. The counties of Lee, Van Buren, Henry, and Des Moines constituted the third district, which was assigned to Charles Mason, Chief Justice of the Supreme Court. (See Map III.)

It will be observed by reference to the map, that in addition to the above named counties the first judicial district included the counties of Fayette, Delaware, Buchanan, Jones, Linn, and Benton, and that the second judicial district included the counties of Clinton and Keokuk. This fact is explained by an act of the Legislative Assembly of the Territory of Wisconsin, approved December 21, 1837,¹ by which the county of Fayette was attached to the county of Clayton, the counties of Delaware and Buchanan to the county of Dubuque, the counties of Jones, Linn, and Benton to the county of Jackson, the county of Clinton to the county of Scott, and the counties of Johnson and Keokuk to the county of Cedar. But in the districting by Secretary Conway, Johnson County formed a part of the second judicial district, while Cedar County was included in the first judicial district. Therefore, although there is no positive evidence to that effect, it is presumed that in Conway's districting Keokuk County was attached to Johnson rather than to Cedar County and so was included in the second judicial district.

THE ACT OF 1839

The first act of the Legislative Assembly of the Territory of Iowa relative to judicial districts was one entitled, "An Act fixing the terms of the Supreme and District Courts of

¹ *Laws of the Territory of Wisconsin*, 1837, pp. 132-138.



MAP III
 JUDICIAL DISTRICTING
 1838
 BY WM. B. CONWAY

the Territory of Iowa, and for other purposes," approved January 21, 1839.¹ This act divided the Territory into three judicial districts as follows:—The first district was composed of the counties of Henry, Van Buren, Lee, and Des Moines, and was assigned to Chief Justice Charles Mason. The second district was composed of the counties of Louisa, Muscatine, Cedar, Johnson, and Slaughter,² and was assigned to Judge Joseph Williams. The third district was composed of the counties of Jackson, Dubuque, Scott, and Clayton, and was assigned to Judge Thomas S. Wilson. (See Map IV.)

Section four of this act further provided that "for judicial purposes, the county of Linn³ is hereby attached to the county of Johnson, the county of Jones to the county of Cedar, and the county of Clinton to the county of Scott."

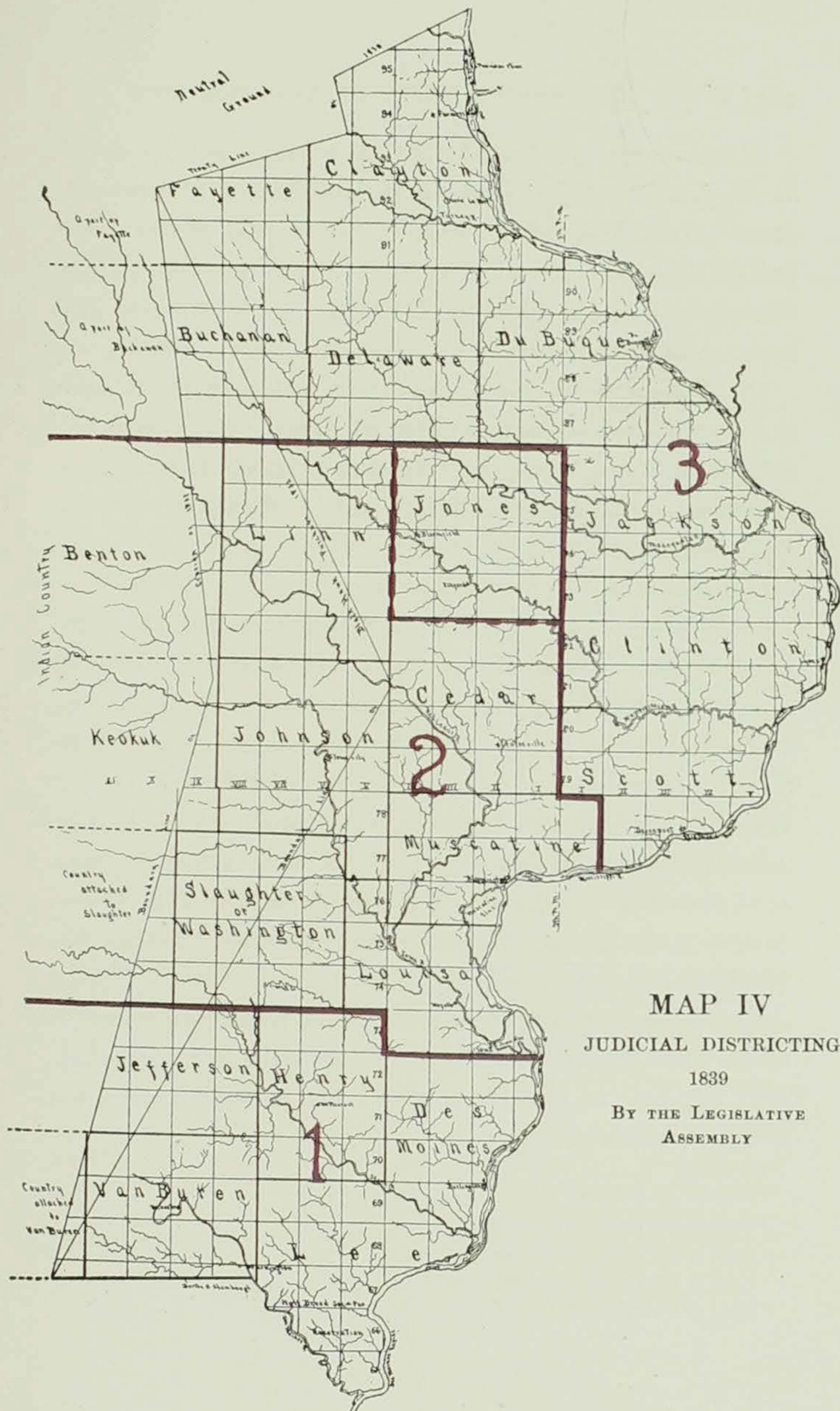
Following the act of 1839 dividing the Territory into judicial districts were numerous acts defining the judicial status of the various counties as they were established or organized from time to time. The first of these acts was an act entitled "An act to divide the County of Henry, and establish the County of Jefferson,"⁴ approved January 21, 1839. Section eight provided that Jefferson County should remain attached to Henry County for judicial purposes.

¹ *Laws of the Territory of Iowa*, 1838, p. 128.

² See note above.

³ By an act of the Legislative Assembly, approved January 15, 1839, just six days before the districting act above mentioned, the county of Linn had been made a part of the third judicial district. This is obviously a mistake since Linn County was separated by two fully organized counties from the third district as it then existed. This error was, however, corrected; for by being attached to Johnson, Linn County was included in the second judicial district.

⁴ *Laws of the Territory of Iowa*, 1838, p. 92.



MAP IV
 JUDICIAL DISTRICTING
 1839
 BY THE LEGISLATIVE
 ASSEMBLY

The next act, entitled "An Act to organize the county of Jones, and establish the seat of justice thereof,"¹ approved January 24, 1839, made Jones County a part of the third judicial district. Thus it will be seen that three days after the approval of the districting act, the county of Jones was transferred from the second to the third judicial district.

On November 30, 1840, "An Act to attach Benton County to Linn, for judicial and other purposes"² was approved, and on February 13, 1843, "An Act to attach Delaware to Dubuque county, for judicial purposes."³ By the act of February 5, 1844, Iowa County was attached to Johnson County for judicial purposes.⁴

On February 14, 1844, "An Act to form a Fourth Judicial District"⁵ was approved. This act provided, "That if Congress should pass a law granting to this Territory an additional judge or justice of the Supreme Court of said Territory, then and in that case, the counties of Jefferson, Davis, Wapello, Keokuk, and Mahaska, shall constitute the fourth judicial district of this Territory." It does not appear, however, that Congress passed any such law; and consequently no fourth judicial district was established during the Territorial period.

The following table will indicate the remaining counties which were organized during the Territorial period, together with the date of organization and the judicial district to which each belonged:—

¹ *Laws of the Territory of Iowa*, 1838, p. 95.

² *Laws of the Territory of Iowa*, 1840, p. 4.

³ *Laws of the Territory of Iowa*, 1842, p. 54.

⁴ *Laws of the Territory of Iowa*, 1843, p. 3.

⁵ *Laws of the Territory of Iowa*, 1843, p. 62.

COUNTY	DATE OF ORGANIZATION	JUDICIAL DISTRICT
Keokuk ¹	February 5, 1844	Second
Mahaska ²	February 5, 1844	Second
Delaware ³	February 8, 1844	Third
Wapello ⁴	February 13, 1844	First
Davis ⁵	February 15, 1844	First
Madison ⁶	February 15, 1844	First
Iowa ⁷	June 10, 1845	Second
Marion ⁸	June 10, 1845	Second
Kishkekosh ⁹	June 11, 1845	First
Appanoose ¹⁰	January 13, 1846	First
Benton ¹¹	January 17, 1846	Third
Jasper ¹²	January 17, 1846	Second
Polk ¹³	January 17, 1846	Second

¹ *Laws of the Territory of Iowa*, 1843, p. 85.

² *Laws of the Territory of Iowa*, 1843, p. 85.

³ *Laws of the Territory of Iowa*, 1843, p. 105.

⁴ *Laws of the Territory of Iowa*, 1843, p. 114.

⁵ *Laws of the Territory of Iowa*, 1843, p. 137.

⁶ *Laws of the Territory of Iowa*, 1843, p. 142.

⁷ *Laws of the Territory of Iowa*, 1845 (extra session), p. 85. This act contains the provision that "the said county shall constitute the Second Judicial District of this Territory." But by an act of December 19, 1845, this clause was amended to read: "The said county of Iowa shall constitute a part of the second Judicial District."—*Laws of the Territory of Iowa*, 1845, p. 107.

⁸ *Laws of the Territory of Iowa*, 1845 (extra session), p. 93.

⁹ *Laws of the Territory of Iowa*, 1845 (extra session), p. 103. Name changed to "Monroe" by act of January 19, 1846.

¹⁰ *Laws of the Territory of Iowa*, 1845, p. 55.

¹¹ *Laws of the Territory of Iowa*, 1845, p. 86. The unorganized counties of Tama and Black Hawk were attached to Benton for judicial purposes.

¹² *Laws of the Territory of Iowa*, 1845, p. 92.

¹³ *Laws of the Territory of Iowa*, 1845, p. 92.

II

THE PERIOD OF THE FIRST CONSTITUTION

The first Constitution of the State of Iowa contains the following provision in section one of article six, which treats of the Judicial Department:¹ "The judicial power shall be vested in a Supreme Court, District Courts, and such inferior courts as the General Assembly may from time to time establish." And the last clause in section four of the same article reads: "The first session of the General Assembly shall divide the State into four districts, which may be increased as the exigencies require."

THE ACT OF 1847

In accordance with the constitutional provision above noted, the General Assembly at its first session passed "An Act to divide the State of Iowa into Judicial Districts," which was approved February 4, 1847.² The four districts were constituted as follows (See Map V):—

"FIRST DISTRICT—The counties of Lee, Des Moines, Louisa, Washington and Henry.

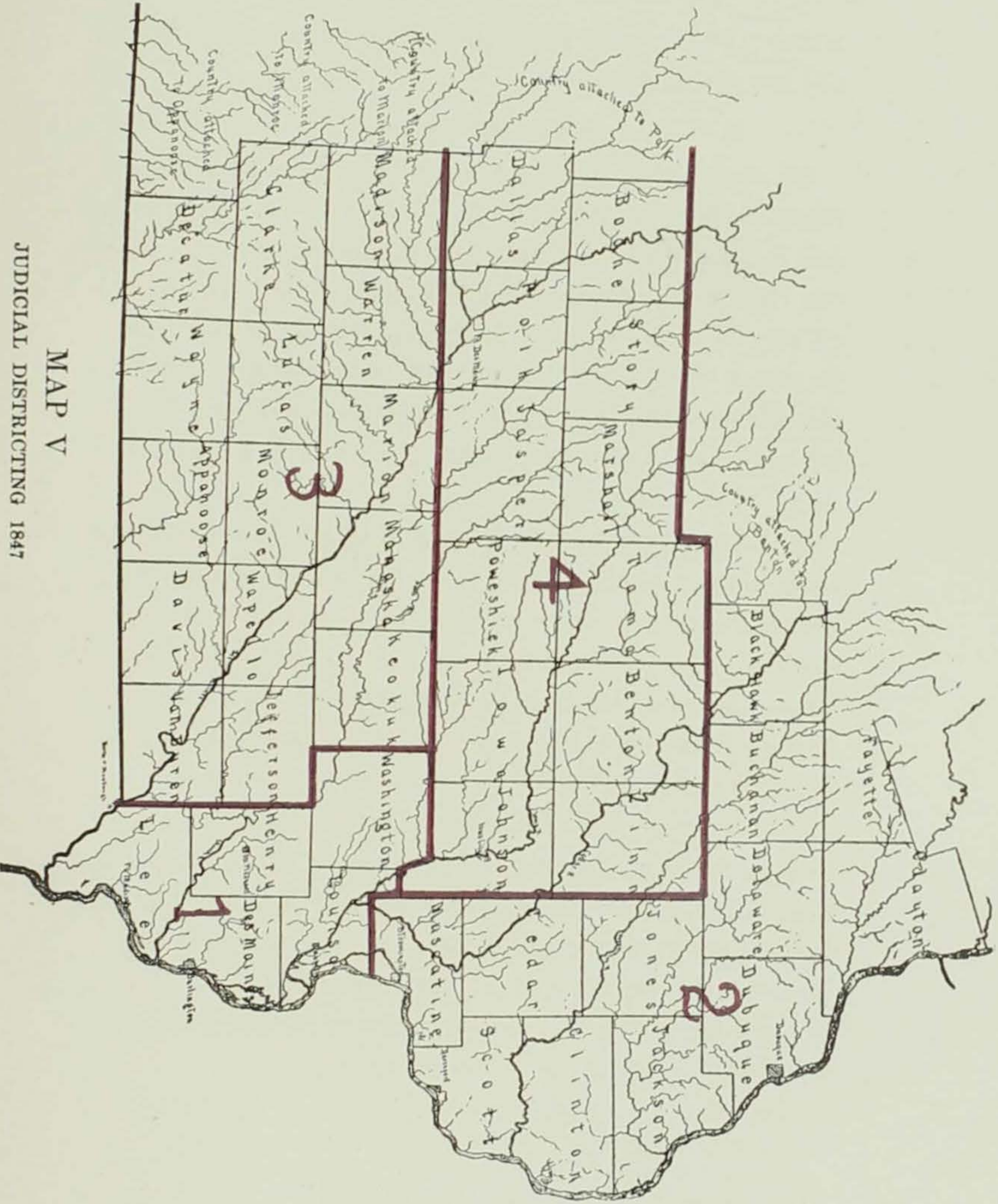
"SECOND DISTRICT—Muscatine, Scott, Cedar, Clinton, Jackson, Jones, Dubuque, Delaware and Clayton, and the counties north and west of Delaware and Clayton shall be attached to the county of Clayton for judicial purposes.

"THIRD DISTRICT—Van Buren, Jefferson, Davis, Wapello, Keokuk, Mahaska, Marion, Monroe, Appanoose, and the counties west of the counties of Marion, Monroe and Appanoose.

"FOURTH DISTRICT—Johnson, Linn, Benton, Iowa, Pow-

¹ *Laws of Iowa*, 1846, p. 11.

² *Laws of Iowa*, 1846, p. 39.



MAP V

JUDICIAL DISTRICTING 1847

eshiek, Jasper, Polk, Dallas, Tama, Marshall, Story, Boone, and the counties west."

THE ACT OF 1849

On January 12, 1849, "An Act to create a fifth Judicial District" was approved.¹ The new district thus formed was composed of the counties of Appanoose, Wayne, Decatur, Ringgold, Taylor, Page, Fremont, Monroe, Lucas, Clarke, Marion, Warren, Madison, Jasper, Polk, Dallas, Marshall, Story, and Boone. Moreover section three of this act provided that "The county of Washington is hereby added to, and made part of, the fourth Judicial District."² (See Map VI.)

The act of 1849 constituted in reality a new districting, since several counties were taken from both the third and fourth districts to form the fifth district, and Washington County was transferred from the first to the fourth district. In fact the boundaries of all the former districts, except the second, were considerably altered, as a comparison of Maps V and VI will indicate.

THE ACTS OF 1851

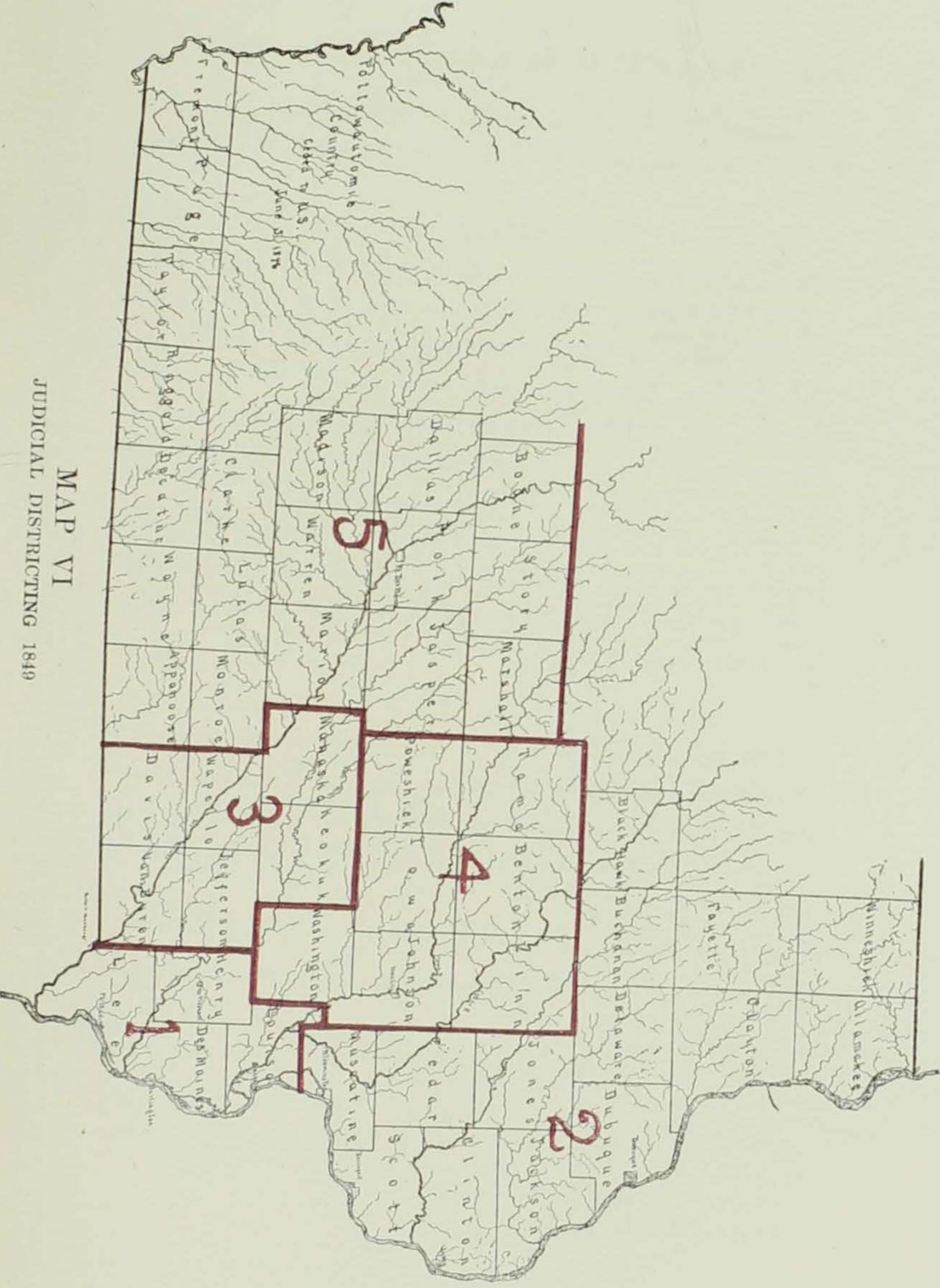
"An Act to create the Sixth Judicial District" was approved February 4, 1851.³ The counties of Ringgold, Taylor, Page, Fremont, Mills, Montgomery, Adams, Union, Adair, Cass, Pottawattamie, Harrison, Shelby, Audubon, Carroll, Crawford, Monona, Wahkaw,⁴ Ida, Sac, Buena Vis-

¹ *Laws of Iowa*, 1848, p. 71.

² It will be noted that Washington County had previously formed a part of the first judicial district.

³ *Laws of Iowa*, 1850, p. 74.

⁴ Name changed to "Woodbury" by an act of January 12, 1853.—*Laws of Iowa*, 1852, p. 28.



MAP VI
JUDICIAL DISTRICTING 1849

ta, Cherokee, Plymouth, Sioux, O'Brien, Clay, Dickinson, Osceola, and Buncombe¹ composed the sixth district thus created.

By an act of February 5² of the same year the counties of Guthrie, Greene, Fox,³ Yell,⁴ Risley,⁴ Hardin, Wright, Humboldt, Pocahontas, Palo Alto, Kossuth, Hancock, Winnebago, Bancroft, and Emmet were made a part of the fifth judicial district. By another act,⁵ approved on the same day, the counties of Black Hawk, Bremer, Butler, and Grundy were attached to Buchanan County, thus becoming a part of the second judicial district. (See Map VII.)

Nearly all the counties concerned in this districting had been formed since the districting of 1849, and hence there was very little alteration in the boundaries of the districts previously established.

THE ACT OF 1853

The act of 1853 was "An Act fixing the boundaries of the several Judicial Districts, and the time of holding courts therein,"⁶ and constituted an entirely new districting. By its provisions the State was divided into nine judicial districts as follows:—

First District—Lee, Des Moines, Louisa, and Henry.

¹ Name changed to "Lyon" by an act of September 11, 1862.—*Laws of Iowa*, 1862 (extra session), p. 22.

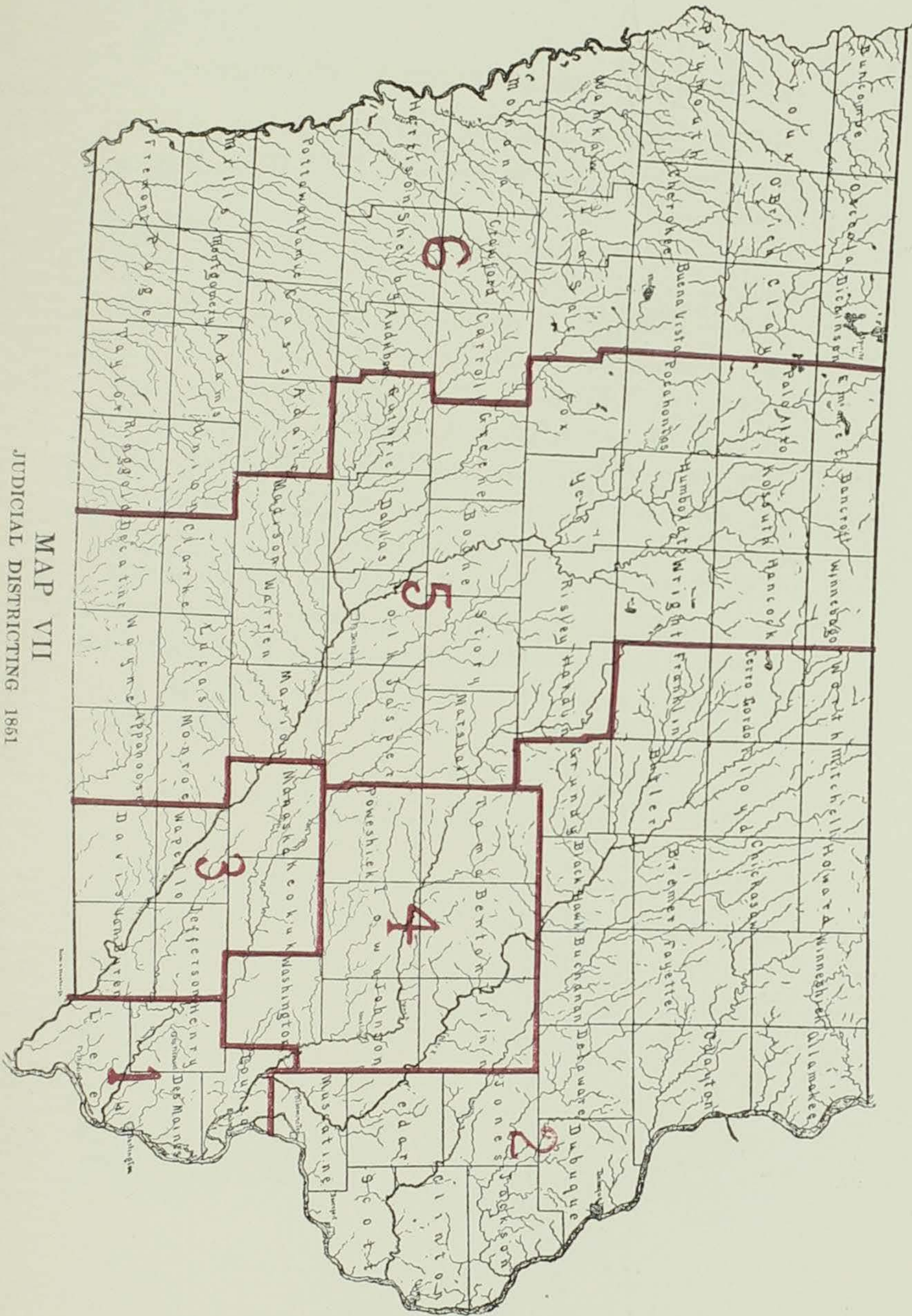
² *Laws of Iowa*, 1850, p. 168.

³ Name changed to "Calhoun" by an act of January 12, 1853.—*Laws of Iowa*, 1852, p. 28.

⁴ By an act of January 12, 1853, the name "Risley" was changed to "Webster." By an act of January 22, the same year, the county of Webster was made to include both the counties of Yell and Risley.—*Laws of Iowa*, 1852, pp. 28, 87.

⁵ *Laws of Iowa*, 1850, p. 227.

⁶ *Laws of Iowa*, 1852, p. 74.



MAP VII
 JUDICIAL DISTRICTING 1851

Second District—Dubuque, Delaware, Clayton, Allamakee, Winneshiek, Fayette, Buchanan, Black Hawk, Bremer, Chickasaw, and Howard.

Third District—Van Buren, Davis, Jefferson, Wapello, Mahaska, and Keokuk.

Fourth District—Washington, Johnson, Linn, Benton, Tama, Poweshiek, and Iowa.

Fifth District—Marion, Jasper, Marshall, Hardin, Grundy, Butler, Floyd, Mitchell, Worth, Cerro Gordo, Franklin, Polk, Story, Webster,¹ Wright, Hancock, Winnebago, Dallas, Boone, Yell,² Humboldt,³ Kossuth,³ Bancroft,³ Greene, Calhoun, Pocahontas, Palo Alto, and Emmet.

Sixth District—Fremont, Page, Taylor, Ringgold, Union, Adams, Montgomery, Cass, Adair, Audubon, and Guthrie.

Seventh District—Mills, Pottawattamie, Harrison, Shelby, Monona, Crawford, Carroll, Woodbury, Ida, Sac, Plymouth, Cherokee, Buena Vista, Sioux, O'Brien, Clay, Dickinson, Osceola, and Buncombe.

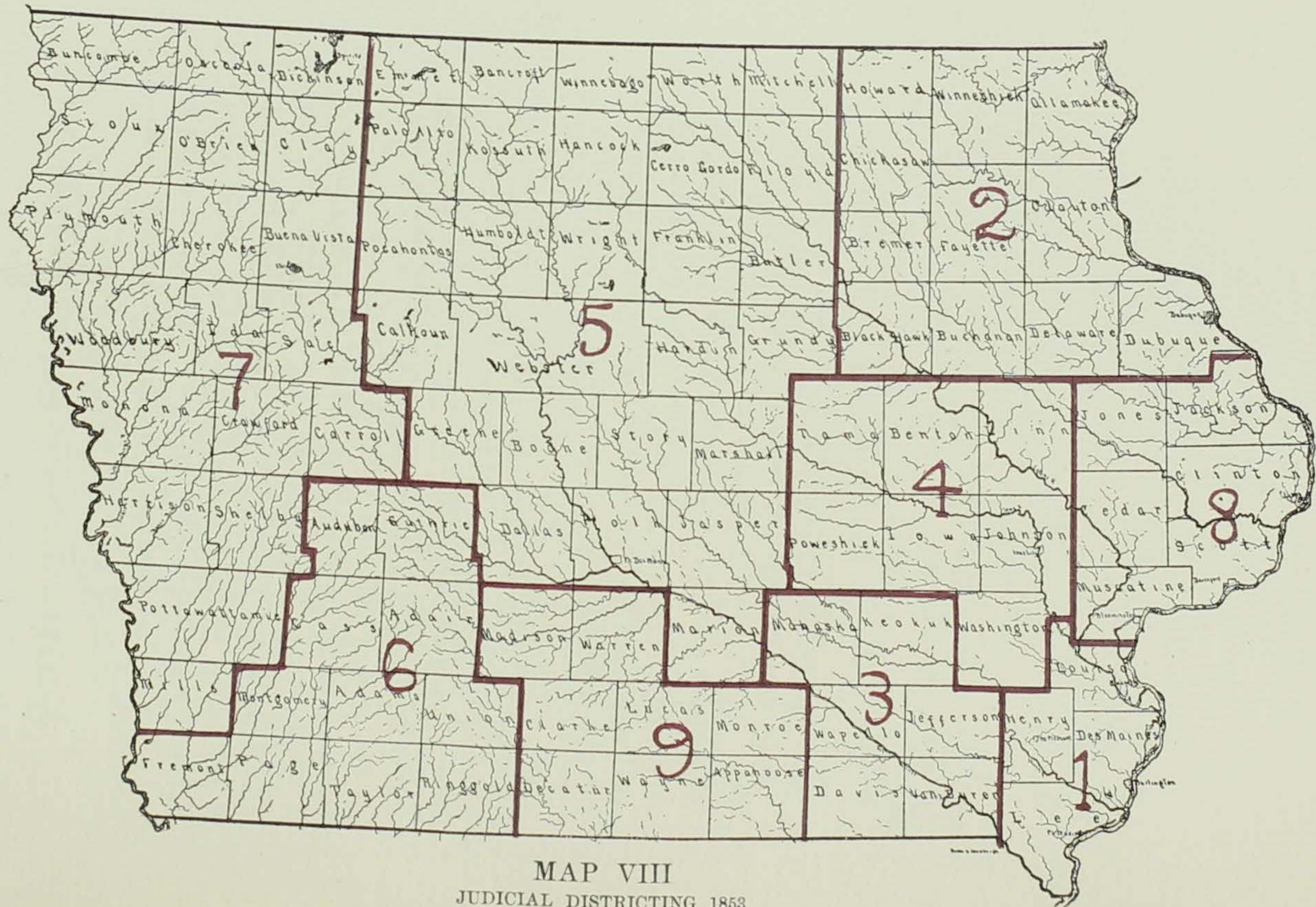
Eighth District—Muscatine, Scott, Cedar, Jones, Clinton, and Jackson.

Ninth District—Monroe, Appanoose, Wayne, Decatur, Lucas, Clarke, Warren, and Madison. (See Map VIII.)

¹ On the map Webster County is made to include both the former counties of Risley and Yell, in accordance with the act already noted, which was approved on January 22, 1853, the same day on which the above districting act was approved. Webster County as here given was divided on December 22, 1856, and the present counties of Webster and Hamilton were formed.—*Laws of Iowa*, 1856, p. 11.

² See note 1.

³ By the act of January 24, 1855, Humboldt, Kossuth, and Bancroft counties were all united to form Kossuth County. However, on January 28, 1857, Kossuth County was again divided, the lower portion forming the present county of Humboldt.



MAP VIII
 JUDICIAL DISTRICTING 1853

THE ACTS OF 1855

Two acts regarding judicial districting were passed by the General Assembly during the session beginning December 4, 1854. The first of these was approved January 24, 1855, and was entitled "An Act fixing the boundaries of the tenth Judicial District of the State of Iowa, and the times of holding Courts therein."¹ The district thus established consisted of the counties of Clayton, Allamakee, Winneshiek, Fayette, Chickasaw, Floyd, Mitchell, Howard, Worth, and Cerro Gordo. Six of these counties had formerly belonged to the second judicial district and the other four had been included in the fifth judicial district. (See Map IX.)

The other act was "An Act to alter the boundaries of the Second Judicial District, and to fix the time of holding the Court therein."² Section one provided "that the counties of Dubuque, Delaware, Buchanan, Black Hawk and Bremer, shall constitute the Second Judicial District." This act seems unnecessary, since these five counties were all that remained of the second judicial district after the tenth district was created, as indicated above.

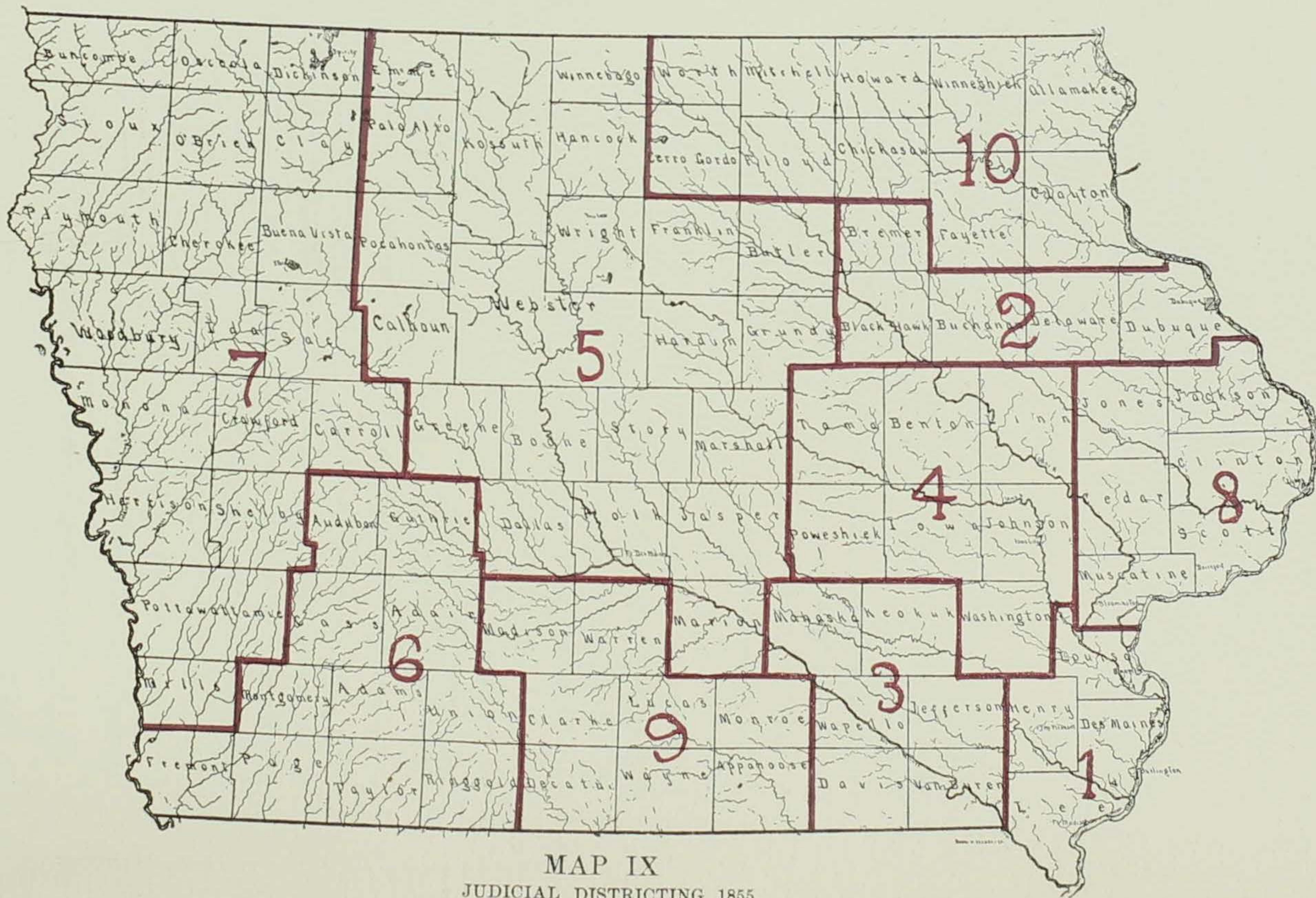
THE ACTS OF 1856 AND 1857

The last General Assembly under the first State Constitution passed a number of acts relating to judicial districting. The first of these was "An Act to establish the Eleventh Judicial District, and fixing the times of holding courts therein," approved December 10, 1856.³ The said district

¹ *Laws of Iowa*, 1854, p. 174.

² *Laws of Iowa*, 1854, p. 178.

³ *Laws of Iowa*, 1856, p. 1.



Buncombe, Osceola, Dickinson, Emmet, Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee,
 Sioux, O'Brien, Clay, Palo Alto, Kosciusko, Hancock, Cerro Gordo, Floyd, Chickasaw, 10, Calhoun,
 Plymouth, Cherokee, Buena Vista, Pocahontas, Wright, Franklin, Butler, Bremer, Fayette,
 Woodbury, Ida, Salt, Calhoun, Webster, Hardin, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, 2,
 Monona, Crawford, Carroll, Greene, Boone, Story, Marshall, Tama, Benton, Lincoln, Jones, Jackson,
 Harrison, Shelby, Audubon, Guthrie, Dallas, Hamilton, Jasper, Poweshiek, Iowa, Johnson, Cedar, Clinton, 8, Scott,
 Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Keokuk, Washington, Muscatine,
 Mills, Montgomery, Adams, Winnebago, Clarke, Lucas, Monroe, Wapello, 3, Jefferson, Henry, Des Moines,
 Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Davis, Van Buren, Lee, 1,

was made up of the counties of Poweshiek, Mahaska, Jasper, Marion, Polk, Warren, Dallas, and Madison.

The next act, approved December 18, 1856, defined the boundaries of the seventh judicial district as including the counties of Pottawattamie, Cass, Audubon, Shelby, and Harrison.¹ Section one of an act of January 13, 1857, contained the provision that "the counties of Union and Ringgold be and they are hereby added to and made a part of the Ninth Judicial District of the State of Iowa."²

On January 22, 1857, "An Act creating the Fourteenth Judicial District, and fixing the time of holding courts therein,"³ was approved. The district thus formed was composed of the counties of Scott, Clinton, and Jackson. Five days later, on January 22, 1857, the thirteenth judicial district, made up of the counties of Marshall, Story, Hardin, Grundy, Butler, Franklin, Hamilton, and Wright, was established.⁴

By an act of January 29, 1857, Guthrie County, which had formerly been included in the sixth judicial district, was attached to the fifth judicial district.⁵ By another act approved the same day Sac County was also attached to the fifth judicial district.⁶

"An Act to establish the twelfth judicial district, and to fix the times for holding courts therein,"⁷ was approved Jan-

¹ *Laws of Iowa*, 1856, p. 9.

² *Laws of Iowa*, 1856, p. 27.

³ *Laws of Iowa*, 1856, p. 86.

⁴ *Laws of Iowa*, 1856, p. 192.

⁵ *Laws of Iowa*, 1856, p. 391.

⁶ *Laws of Iowa*, 1856, p. 396.

⁷ *Laws of Iowa*, 1856, p. 449.

uary 29, 1857. It provided that the counties of Monona, Crawford, Carroll, Woodbury, Ida, Sac, Plymouth, Cherokee, Buena Vista, Sioux, O'Brien, Clay, Dickinson, Osceola, and Buncombe, should constitute the twelfth judicial district. It will be observed that there is a conflict between this and the preceding act in regard to Sac County. Both acts were approved on the same day and there is no evidence to determine which was given the preference. The discrepancy is indicated on the map by including Sac County in a broken line. (See Map X.)

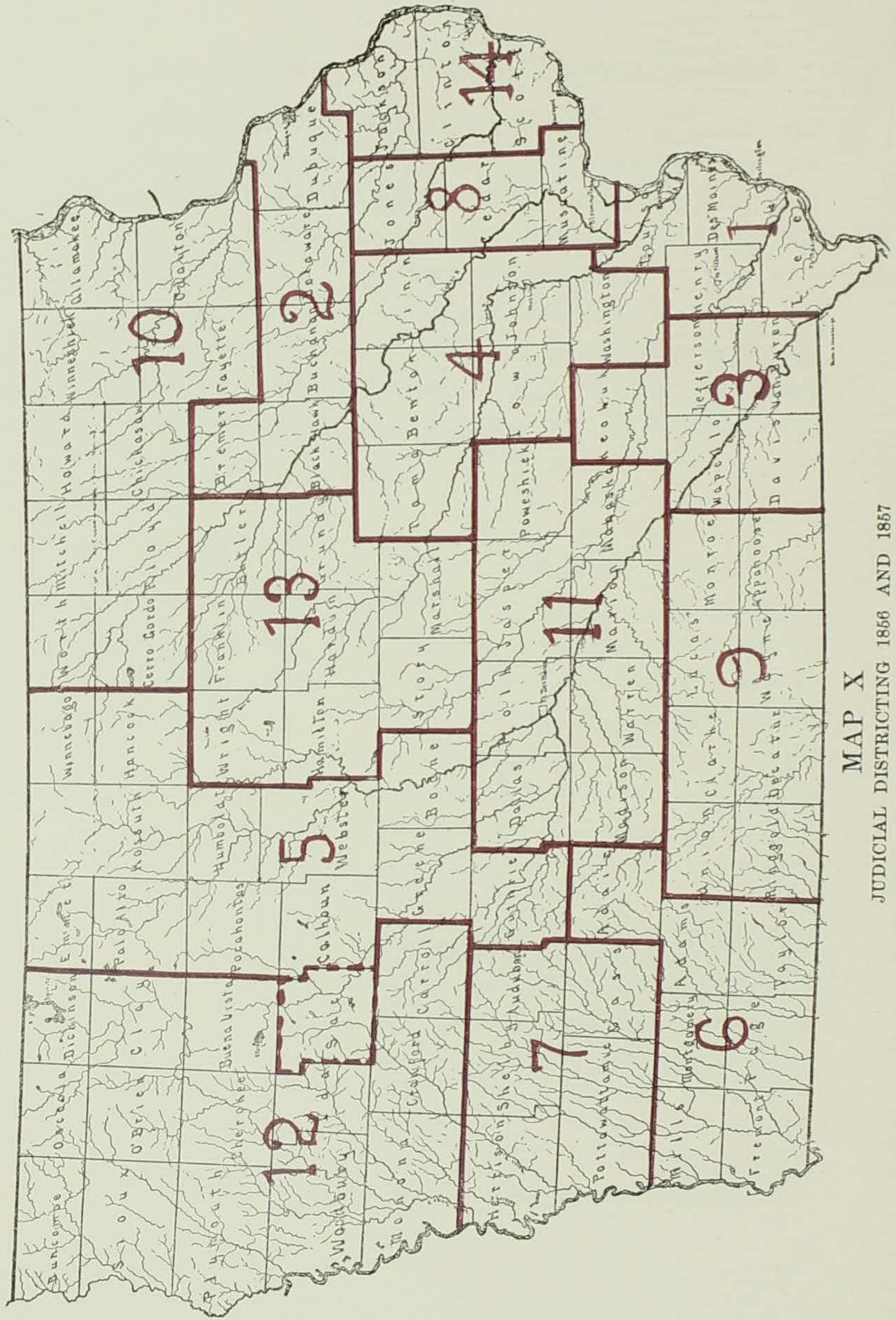
III

THE PERIOD OF THE PRESENT CONSTITUTION

The present Constitution of the State of Iowa was ratified on August 3, 1857, and went into effect on September 3, of the same year. Article V of this Constitution relates to the Judicial Department; and section two of this article reads as follows:—

The State shall be divided into eleven Judicial Districts; and after the year Eighteen hundred and sixty the General Assembly may re-organize the Judicial Districts and increase or diminish the number of Districts, or the number of Judges of the said Court, and may increase the number of Judges of the Supreme Court; but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session; and no re-organization of the districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such re-organization of the districts, or any change in the boundaries thereof, or increase or diminution of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.¹

¹ Shambaugh's *Constitution of the State of Iowa*, pocket edition, 1907, pp. 60-61



MAP X
 JUDICIAL DISTRICTING 1856 AND 1857

The following amendment to the above section was made in 1884:—

AMENDMENT 2. At any regular session of the general assembly the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.¹

THE ACTS OF 1858

On February 10, 1858, "An Act to change the boundaries of the 13th Judicial District so as to include Webster County," was approved.² And by the act of March 16, 1858, Butler County was annexed to the tenth judicial district.³ Neither of these changes, however, is indicated on the map, since, as will be seen, the General Assembly later in this same session passed an act dividing the State into eleven judicial districts.

In accordance with the Constitutional provision above noted, the General Assembly passed "An Act creating Eleven Judicial Districts and defining their boundaries,"⁴ approved March 20, 1858. The districts thus established were as follows:—

First District—Lee, Henry, Des Moines, and Louisa.⁵

Second District—Van Buren, Davis, Wapello, Monroe, Appanoose, Lucas, and Wayne.

¹ Shambaugh's *Constitution of the State of Iowa*, pocket edition, 1907, pp. 101-102.

² *Laws of Iowa*, 1858, p. 19.

³ *Laws of Iowa*, 1858, p. 109.

⁴ *Laws of Iowa*, 1858, p. 186.

⁵ In the published law Lucas County is included in the first district, instead of Louisa County; but this is obviously a mistake of the printer.

Third District—Clarke, Decatur, Union, Ringgold, Adams, Taylor,¹ Montgomery, Page, Mills, Fremont, Pottawattamie, and Cass.

Fourth District—Harrison, Shelby, Monona, Crawford, Woodbury, Ida, Sac, Buena Vista, Cherokee, Plymouth, Clay, O'Brien, Sioux, Buncombe, Osceola, Dickinson, Emmet, Palo Alto, Pocahontas, Calhoun, Kossuth, and Humboldt.

Fifth District—Carroll, Audubon, Greene, Guthrie, Adair, Madison, Dallas, Warren, and Polk.

Sixth District—Jasper, Marion, Poweshiek, Mahaska, Keokuk, Washington, and Jefferson.

Seventh District—Muscatine, Scott, Clinton, and Jackson.

Eighth District—Johnson, Iowa, Tama, Benton, Linn, Cedar, and Jones.

Ninth District—Dubuque, Delaware, Buchanan, Black Hawk, and Grundy.

Tenth District—Clayton, Allamakee, Fayette, Winneshie, Howard, Chickasaw, Bremer, Mitchell, Floyd, and Butler.

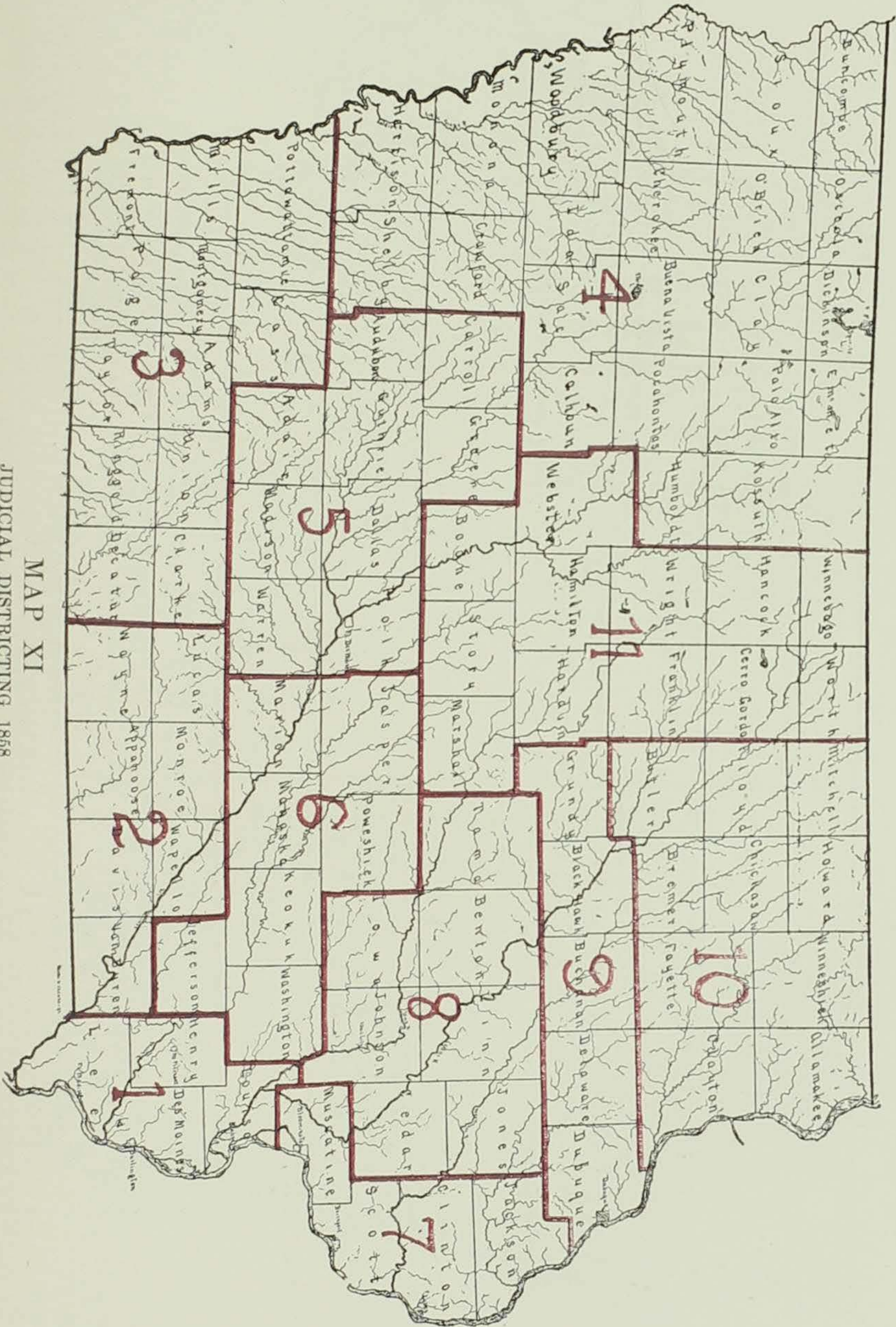
Eleventh District—Worth, Cerro Gordo, Franklin, Hardin, Marshall, Winnebago, Hancock, Wright, Hamilton, Story, Boone, and Webster. (See Map XI.)

THE ACTS OF 1864

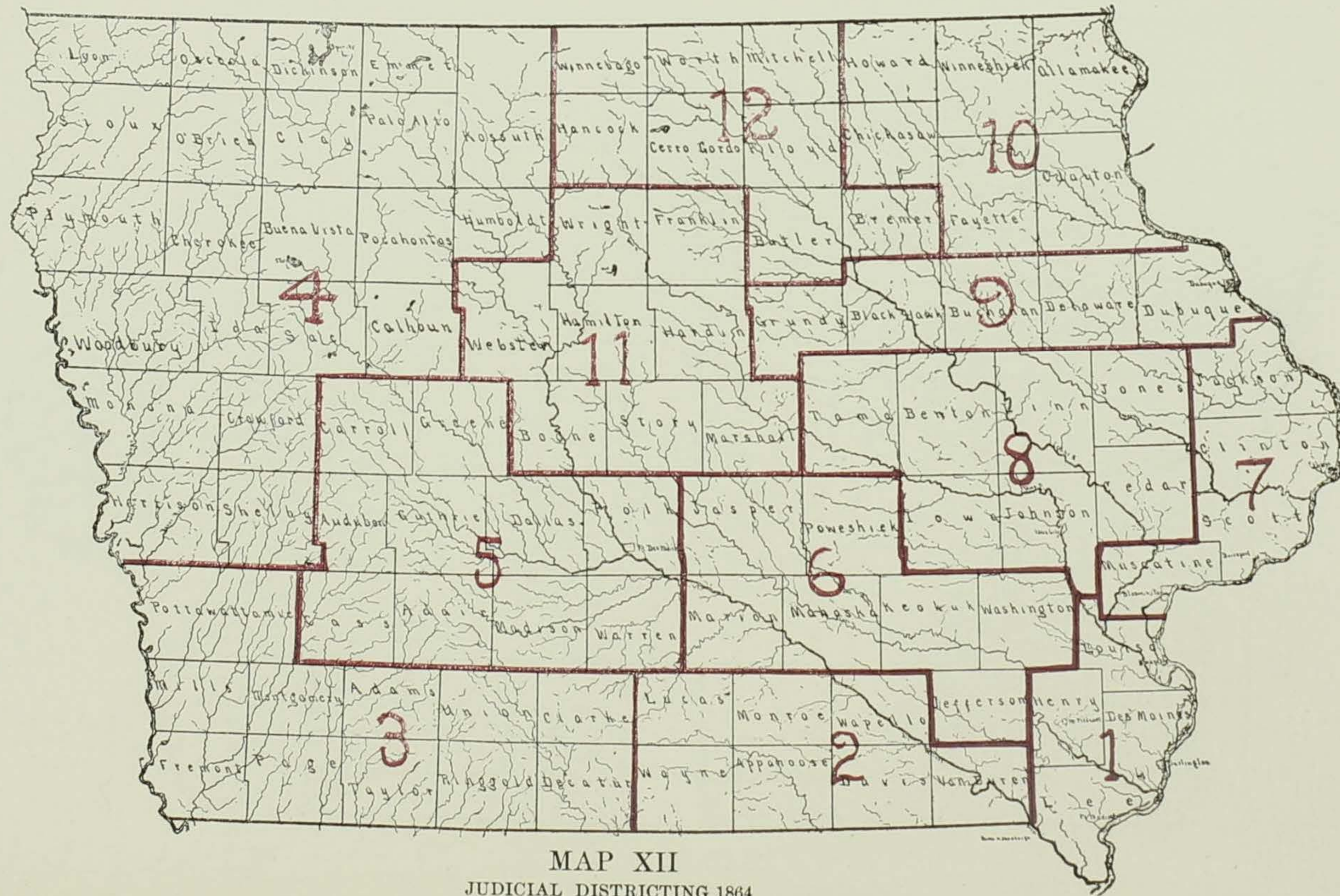
By an act of January 21, 1864, Cass County was detached from the third judicial district and annexed to the fifth judicial district.² On March 28, 1864, "An Act providing for

¹ In the act itself Taylor County is not mentioned, but from its location it was undoubtedly included in the third district.

² *Laws of Iowa*, 1864, p. 1.



MAP XI
 JUDICIAL DISTRICTING 1858



Lyon, Osceola, Dickinson, Emmet, Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee
 Sioux, O'Brien, Clay, Palo Alto, Kossuth, Hancock, Cerro Gordo, Floyd, Chickasaw, Adair
 Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Bremer, Fayette
 Woodbury, Ida, Saline, Calhoun, Webster, Hamilton, Hardin, Grundy, Black Hawk, Buchanan, Delaware, Dubuque
 Monona, Crawford, Carroll, Greene, Boone, Story, Marshall, Tama, Benton, Lincoln, Jones, Jackson
 Harrison, Shelby, Audubon, Guthrie, Dallas, Polk, Jasper, Poweshiek, Linn, Johnson, Cedar, Clinton
 Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Keokuk, Washington, Muscatine, Scott
 Mills, Montgomery, Adams, Union, Clarke, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines
 Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Davis, Van Buren, Lee

the formation of the Twelfth Judicial District" was approved.¹ The said district was composed of the counties of Mitchell, Floyd, Bremer, Butler, Cerro Gordo, Worth, Winnebago, and Hancock. Of these counties, the first four had previously been included in the tenth and the last four in the eleventh judicial district. Thus the only changes in the previous districts made during this year were in the third, fifth, tenth, and eleventh districts. (See Map XII.)

THE ACTS OF 1872

On April 18, 1872, there was approved "An Act creating the Thirteenth Judicial District, and Providing for the Election of District and Circuit Judges and a District-Attorney therein, and Changing the Boundaries of the Third, Fourth, and Fifth Judicial Districts."² The thirteenth district as established by this act was composed of the counties of Fremont, Mills, Pottawattamie, Cass, Audubon, Shelby, Crawford, Carroll, and Greene. The other districts affected by this statute were constituted as follows:—

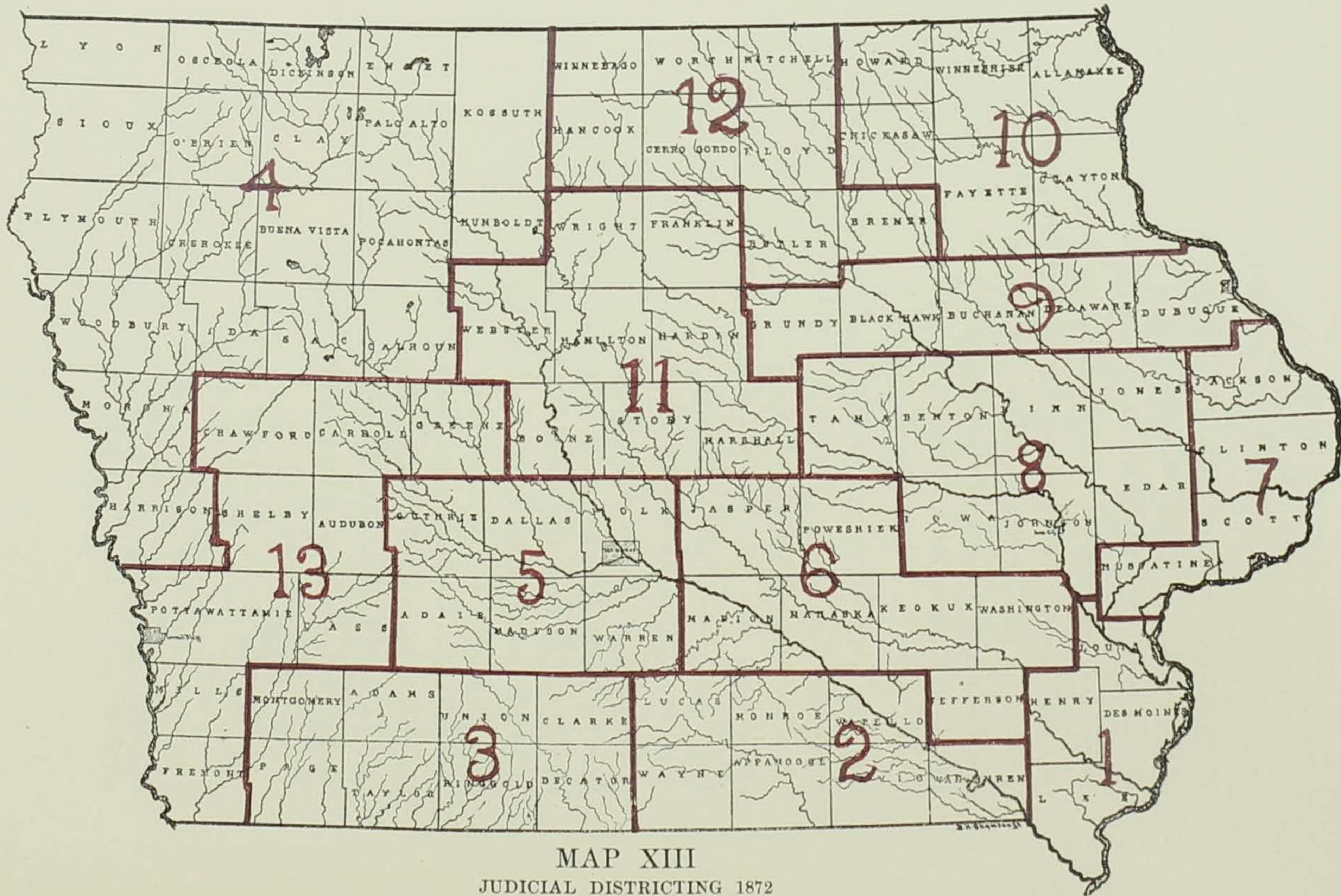
Third District—Montgomery, Page, Taylor, Ringgold, Decatur, Clarke, Union and Adams.

Fourth District—Webster,³ Calhoun, Sac, Lyon, Osceola, Humboldt, Kossuth, Pocahontas, Palo Alto, Emmet, Dickinson, Clay, Cherokee, Ida, Woodbury, Monona, Harrison, Buena Vista, O'Brien, Sioux, and Plymouth.

¹ *Laws of Iowa*, 1864, p. 111.

² *Laws of Iowa*, 1872 (General and Public), p. 67.

³ It will be observed that on the Map XIII Webster County is included in the eleventh district. This is in accordance with an act of April 23, 1872 (approved five days after the districting act above noted), section two of which reads: "Webster County is hereby returned to and attached to the Eleventh Judicial District for judicial purposes, and all acts or parts of acts, inconsistent herewith are hereby repealed."—*Laws of Iowa*, 1872, p. 95.



MAP XIII
 JUDICIAL DISTRICTING 1872

Fifth District—Polk, Warren, Madison, Adair, Guthrie, and Dallas. (See Map XIII.)

THE ACT OF 1876

The act of 1876 was approved March 8, and was entitled "An Act Creating the Fourteenth Judicial District, and providing for the Election of District and Circuit Judges and a District Attorney therein, and Changing the Boundaries of the Fourth Judicial District."¹ The counties of Calhoun, Sac, Ida, Buena Vista, Pocahontas, Humboldt, Kossuth, Palo Alto, Clay, Dickinson, and Emmet, constituted the fourteenth judicial district. The fourth district, with its altered boundaries, was composed of the counties of Harrison, Monona, Woodbury, Plymouth, Cherokee, O'Brien, Sioux, Lyon, and Osceola. (See Map XIV.)

THE ACT OF 1886

On April 10, 1886, an act dividing the State into eighteen judicial districts was approved.² The amendment of 1884, above noted, made it possible for the General Assembly to thoroughly reorganize the judicial districts. Previous to the amendment of 1884 only one district could be added during one session and all such reorganizations must be four years apart. The districts established in 1886 were as follows:—

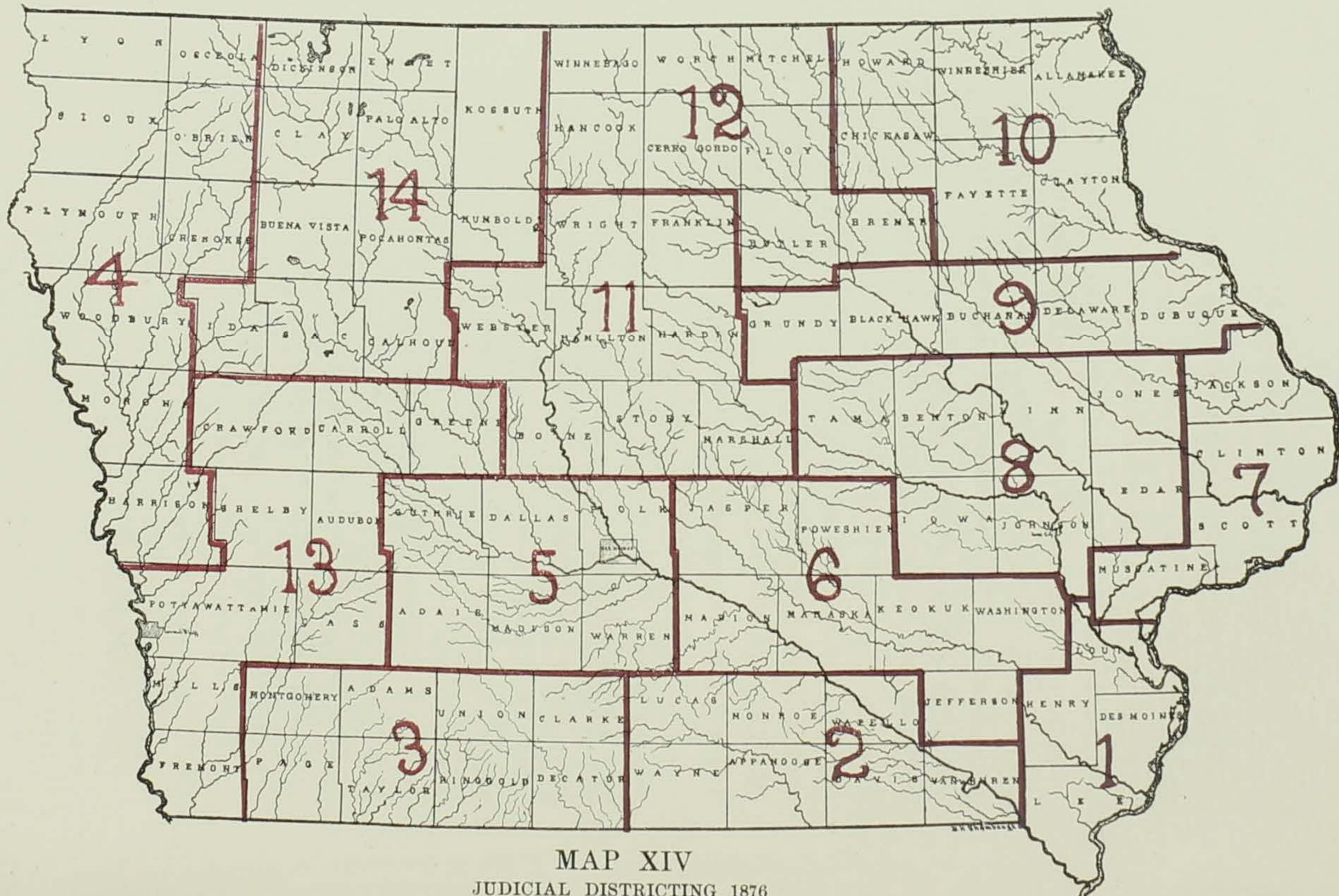
First District—Lee and Des Moines.

Second District—Lucas, Monroe, Wapello, Jefferson, Henry, Davis, Van Buren, and Appanoose.

Third District—Wayne, Decatur, Clarke, Union, Ringgold, Taylor, and Adams.

¹ *Laws of Iowa*, 1876, p. 46.

² *Laws of Iowa*, 1886, p. 151.



MAP XIV
JUDICIAL DISTRICTING 1876

Fourth District—Cherokee, O'Brien, Osceola, Lyon, Sioux, Plymouth, Woodbury, Harrison, and Monona.

Fifth District—Dallas, Guthrie, Adair, Madison, Warren, and Marion.

Sixth District—Jasper, Poweshiek, Mahaska, Keokuk, Washington, and Louisa.

Seventh District—Muscatine, Scott, Clinton, and Jackson.

Eighth District—Johnson and Iowa.

Ninth District—Polk.

Tenth District—Dubuque, Delaware, Buchanan, Black Hawk, and Grundy.

Eleventh District—Marshall, Story, Boone, Webster, Hamilton, Hardin, Franklin, and Wright.

Twelfth District—Bremer, Butler, Floyd, Mitchell, Worth, Cerro Gordo, Hancock, and Winnebago.

Thirteenth District—Clayton, Allamakee, Fayette, Winneshiek, Howard, and Chickasaw.

Fourteenth District—Buena Vista, Clay, Palo Alto, Kosuth, Emmet, Dickinson, Humboldt, and Pocahontas.

Fifteenth District—Pottawattamie, Cass, Shelby, Audubon, Montgomery, Mills, Page, and Fremont.

Sixteenth District—Ida, Sac, Calhoun, Crawford, Carroll, and Greene.

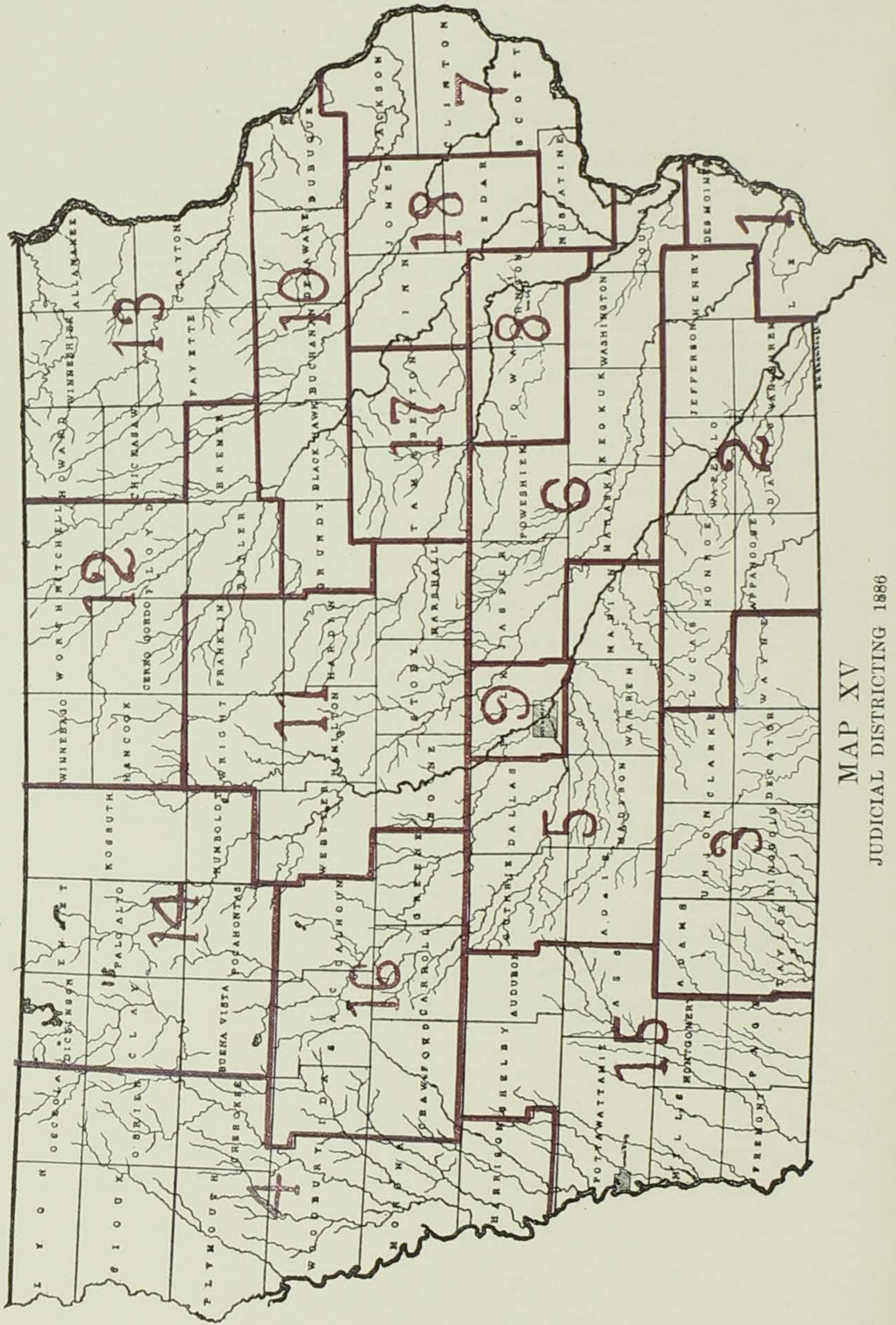
Seventeenth District—Tama and Benton.

Eighteenth District—Linn, Jones, and Cedar. (See Map XV.)

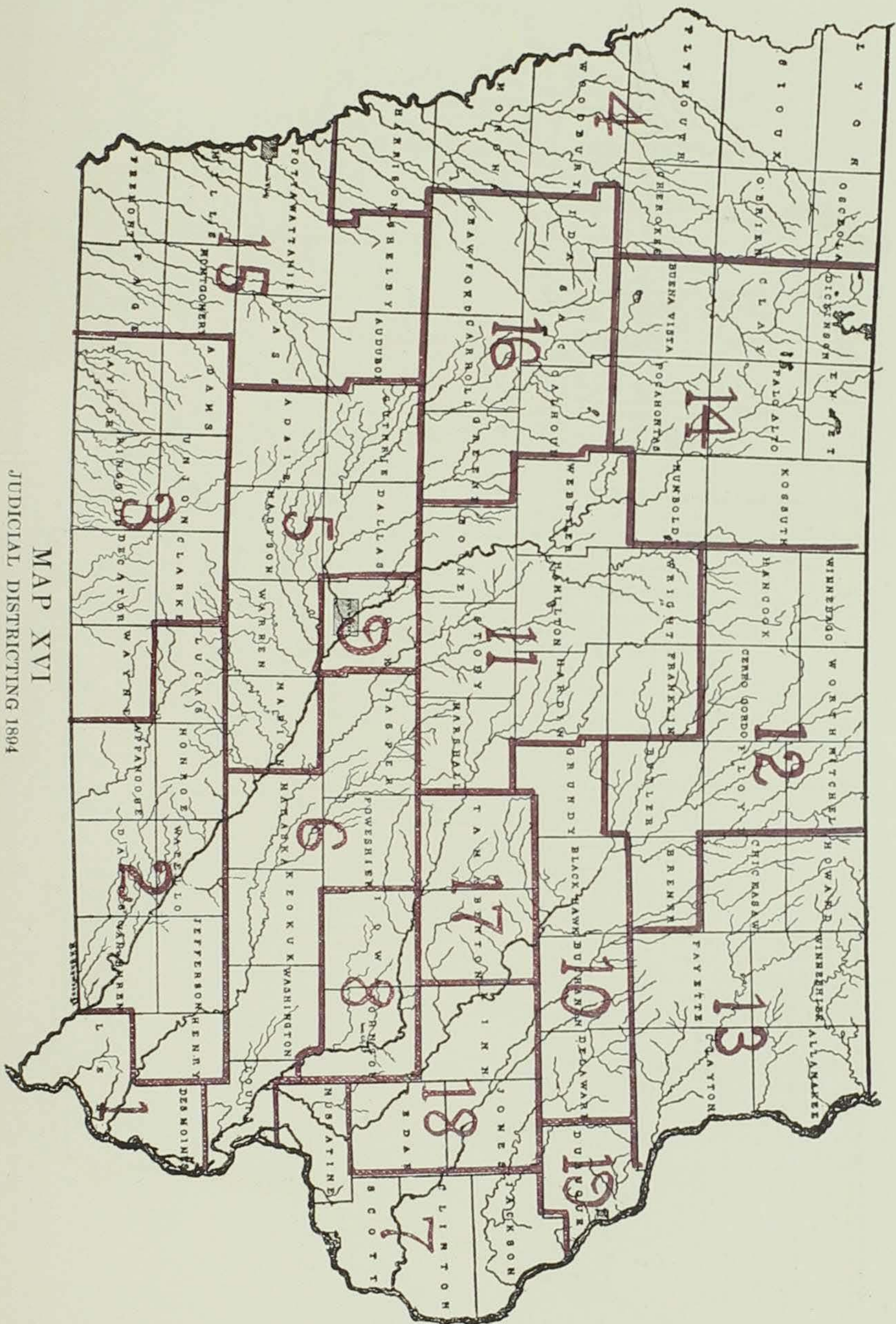
THE ACTS OF 1894

An act creating the nineteenth judicial district was approved March 29, 1894.¹ Section one provided "that the county of Dubuque shall hereafter constitute the Nineteenth

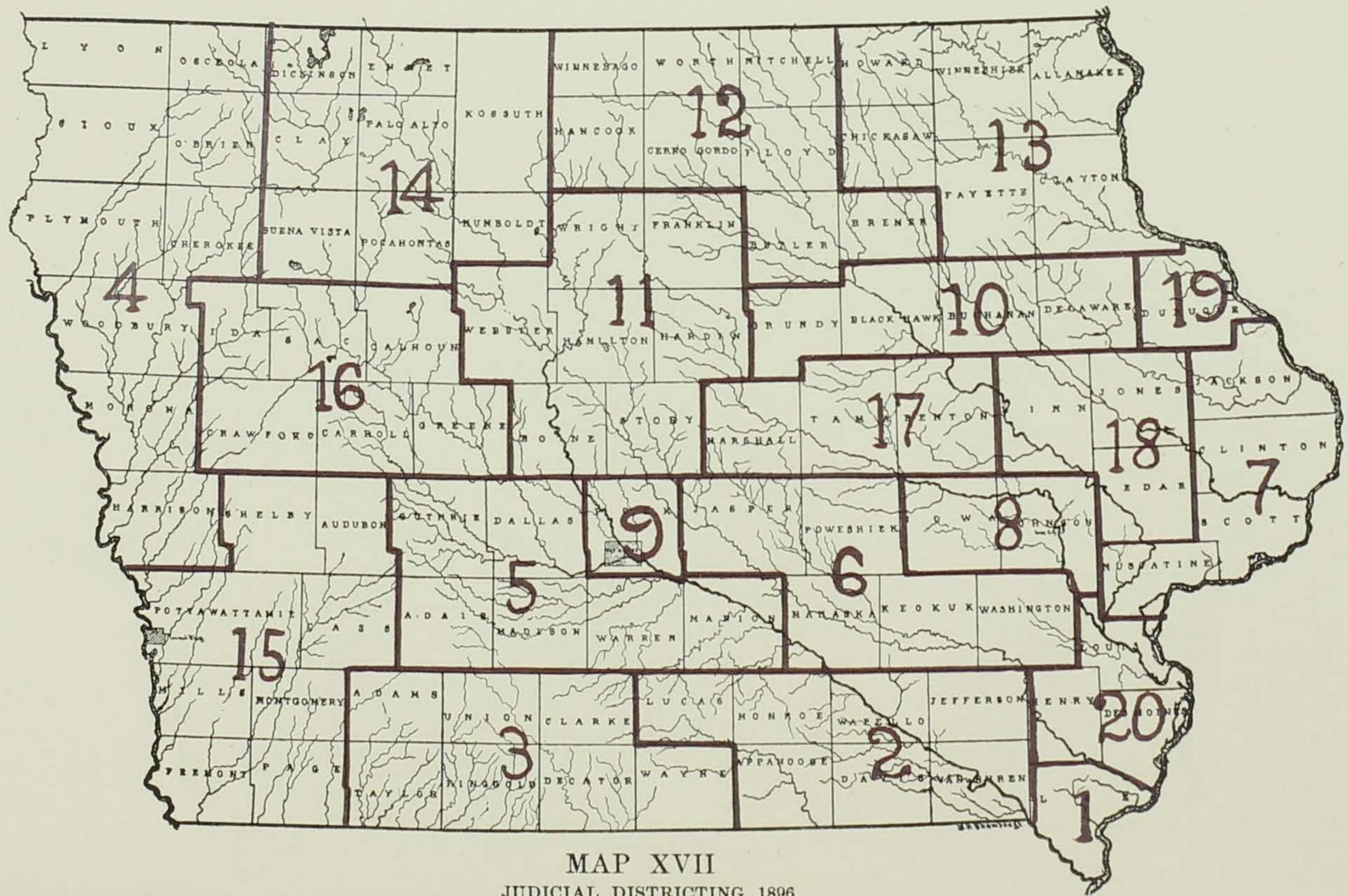
¹ *Laws of Iowa*, 1894, p. 71.



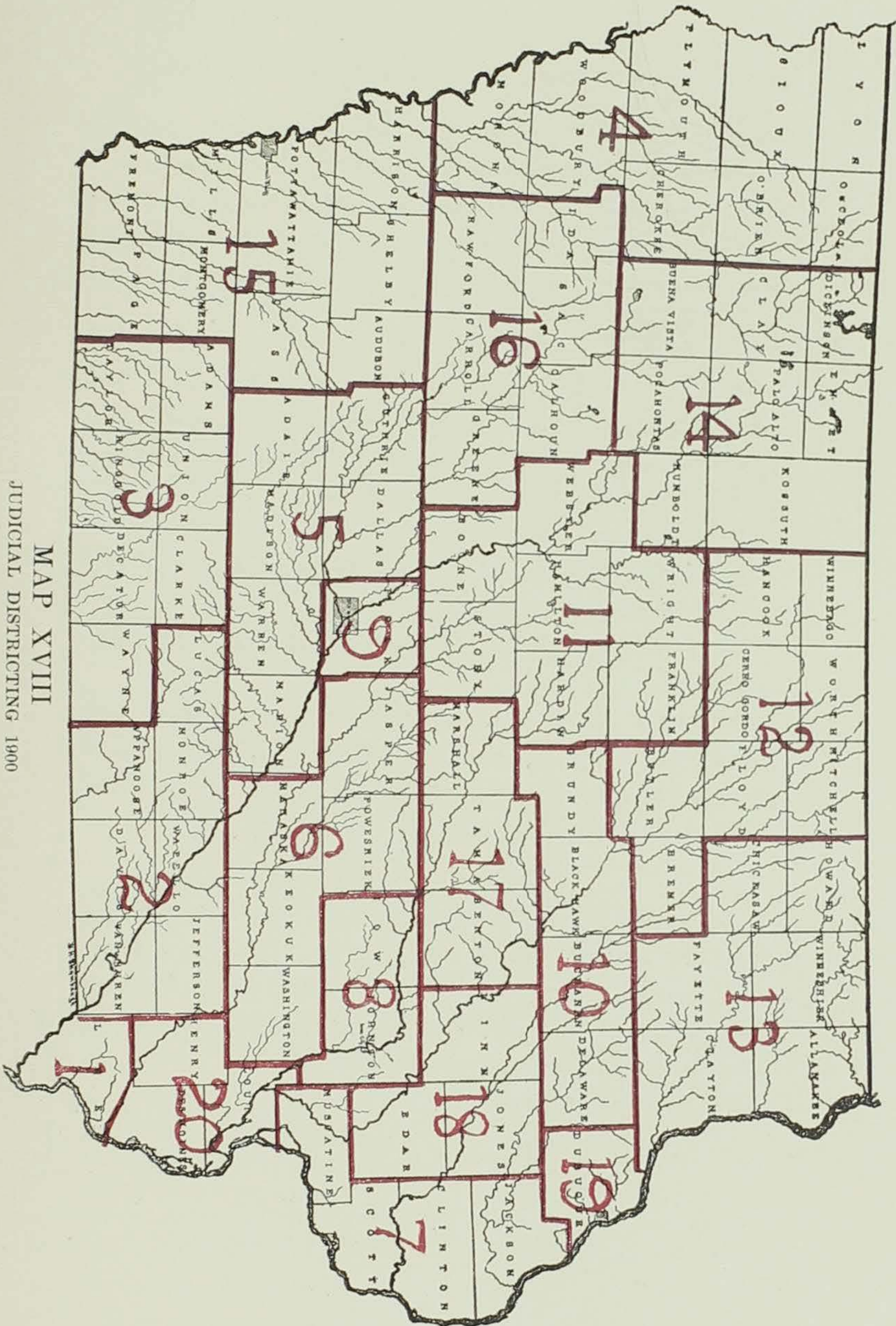
MAP XV
JUDICIAL DISTRICTING 1886



MAP XVI
 JUDICIAL DISTRICTING 1894



MAP XVII
 JUDICIAL DISTRICTING 1896



MAP XVIII
JUDICIAL DISTRICTING 1900

Judicial district." Section two defined the tenth judicial district as being composed of Delaware, Black Hawk, and Grundy counties. This section was amended by an act of April 24, 1894, and Buchanan County, which had evidently been overlooked, was included in the tenth district.¹ (See Map XVI.)

THE ACTS OF 1896

By an act of April 20, 1896, the twentieth judicial district composed of the counties of Des Moines, Henry, and Louisa was created.² The districts, the boundaries of which were altered by this act, were as follows:—

First District—Lee.

Second District—Lucas, Monroe, Wapello, Jefferson, Davis, Van Buren, and Appanoose.

Sixth District—Jasper, Poweshiek, Mahaska, Keokuk, and Washington.

The other act passed during the session of 1896 was amendatory to the districting act of 1886, and transferred Marshall County from the eleventh to the seventeenth judicial district.³ (See Map XVII.)

THE ACT OF 1900

On April 4, 1900, the latest act of the General Assembly regarding judicial districts was passed. By this act Harrison County was transferred from the fourth to the fifteenth district.⁴ (See Map XVIII.) Thus at present the State of Iowa is divided into twenty judicial districts, ranging in size from one to nine counties.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

¹ *Laws of Iowa*, 1894, p. 72.

² *Laws of Iowa*, 1896, p. 124.

³ *Laws of Iowa*, 1896, p. 126.

⁴ *Laws of Iowa*, 1900, p. 4.