

# ACTS AND JOINT RESOLUTIONS

PASSED AT THE

## REGULAR SESSION

OF THE

# Thirty-Third General Assembly

OF THE

## STATE OF IOWA


**BEGUN JANUARY 11, AND ENDED APRIL 9, A. D. 1909.**

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Prepared for Publication Under the Direction of  
W. C. HAYWARD,  
Secretary of State

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## STATE GOVERNMENT

List of State officers, judges of the supreme, district and superior courts, and members of the General Assembly, at the time of passage of laws contained in this book.

| Name.                 | Position.                                     | County from Which Originally Chosen. |
|-----------------------|---|--------------------------------------|
| Beryl F. Carroll..... | Governor .....                                | Davis.                               |
| Charles C. Nye.....   | Private Secretary to the Governor.....        | Polk.                                |
| George W. Clarke..... | Lieutenant-Governor.....                      | Dallas.                              |
| William C. Hayward..  | Secretary of State.....                       | Scott.                               |
| John M. Jamieson..    | Deputy Secretary of State.....                | Guthrie.                             |
| John L. Bleakly.....  | Auditor of State.....                         | Ida.                                 |
| Joseph H. Byrnes..    | Deputy Auditor of State.....                  | Black Hawk.                          |
| Willison W. Morrow.   | Treasurer of State.....                       | Union.                               |
| Quincy A. Willis..... | Deputy Treasurer of State.....                | Dallas.                              |
| Howard W. Byers....   | Attorney General .....                        | Shelby.                              |
| Charles W. Lyon....   | Assistant Attorney General.....               | Polk.                                |
| Henry L. Bousquet...  | Clerk of Supreme Court.....                   | Marion.                              |
| Thomas H. Grubb ..    | Deputy Clerk of Supreme Court.....            | Louisa.                              |
| Wendell W. Cornwall.. | Supreme Court Reporter .....                  | Clay.                                |
| John F. Riggs.....    | Superintendent Public Instruction.....        | Keokuk.                              |
| Jasper C. Bennett.... | Deputy Superintendent Public Instruction...   | Ringgold.                            |
| David J. Palmer.....  | } Railroad Commissioners.....                 | Washington.                          |
| Willard L. Eaton..... |   | Marshall.                            |
| Nathaniel S. Ketchum. | } Secretary Board of Railroad Commissioners.. | Polk.                                |
| Dwight N. Lewis....   |   | Iowa.                                |
| John Cownie .....     | } Board of Control.....                       | Woodbury.                            |
| Gifford S. Robinson.. |   | Linn.                                |
| John T. Hamilton....  | } Secretary of Board of Control.....          | Polk.                                |
| F. S. Treat.....      |   | Lyon.                                |
| Arthur H. Davison...  | Secretary of Executive Council.....           | Marion.                              |
| John C. Simpson.....  | Secretary Board of Agriculture.....           | Montgomery.                          |
| Guy E. Logan.....     | Adjutant General.....                         | Jefferson.                           |
| Edwin E. Lucas.....   | Assistant Adjutant General.....               | Polk.                                |
| Edward Sweeney .....  | } Mine Inspectors.....                        | Lucas.                               |
| John Verner .....     |   | Wapello.                             |
| Rhys T. Rhys.....     | Commissioner of Labor Statistics.....         | Polk.                                |
| Edward D. Brigham..   | State Librarian.....                          | Polk.                                |
| Johnson Brigham ..    | State Printer.....                            | Polk.                                |
| Emory H. English....  | State Binder.....                             | Plymouth.                            |
| Edward D. Chassell..  | Acting Curator Historical Department.....     | Van Buren.                           |
| Edgar R. Harlan....   | Superintendent of Weights and Measures....    | Johnson.                             |
| Laenas G. Weld.....   | State Veterinary Surgeon.....                 | Winnebago.                           |
| Paul O. Koto.....     | State Food & Dairy Commissioner.....          | Delaware.                            |
| Herbert R. Wright...  | Fish and Game Warden.....                     | Linn.                                |
| George A. Lincoln.... | } Commissioners of Pharmacy.....              | Hamilton.                            |
| Bert F. Keltz.....    |   | Cass.                                |
| Joseph S. Goss.....   | Secretary of Pharmacy Commission.....         | Page.                                |
| Harry E. Eaton.....   | } Board of Parole.....                        | Jackson.                             |
| Chas. W. Phillips.... |   | Warren.                              |
| William H. Berry....  | } Secretary Board of Parole.....              | Cass.                                |
| Joseph M. Emmert...   |   | Greene.                              |
| Pardon A. Smith.....  | President State Board of Health.....          | Decatur.                             |
| Burgess W. Garrett..  | Secretary State Board of Health.....          | Polk.                                |
| Alexander M. Linn...  | President State Board of Medical Examiners..  | Montgomery.                          |
| Louis A. Thomas....   | Secretary State Board of Medical Examiners..  | Pottawattamie                        |
| Alfred P. Hanchett... | Custodian Public Buildings and Property....   | Montgomery.                          |
| Louis A. Thomas....   | State Geologist.....                          | Buchanan.                            |
| Timothy E. McCurdy..  | Assistant State Geologist.....                | Johnson.                             |
| Samuel Calvin .....   | Secretary Library Commission.....             | Polk.                                |
| James H. Lees.....    | Director Weather and Crop Service.....        | Polk.                                |
| Alice S. Tyler.....   |   | Polk.                                |
| George M. Chappel.... |   | Polk.                                |

## JUDICIAL DEPARTMENT.

## SUPREME COURT.

| Name.                 | Position.           | County from Which Chosen. | Postoffice Address. |
|-----------------------|---------------------|---------------------------|---------------------|
| William D. Evans..... | Chief Justice ..... | Franklin .....            | Hampton.            |
| Horace E. Deemer..... | Judge .....         | Montgomery .....          | Red Oak.            |
| John C. Sherwin.....  | Judge .....         | Cerro Gordo .....         | Mason City.         |
| Emlin McClain.....    | Judge .....         | Johnson .....             | Iowa City.          |
| Silas M. Weaver.....  | Judge .....         | Hardin .....              | Iowa Falls.         |
| Scott M. Ladd.....    | Judge .....         | O'Brien .....             | Sheldon.            |

## DISTRICT COURTS.

| Dist. | Name.                  | Postoffice Address | Counties in District.  |
|-------|------------------------|--------------------|--|
| 1     | Henry Bank, Jr.....    | Keokuk .....       | Lee.   |
| 2     | F. W. Eichelberger...  | Bloomfield .....   | Appanoose, Davis, Jefferson, Lucas, Monroee, Van Buren and Wapello.                  |
|       | M. A. Roberts.....     | Ottumwa .....      |  |
|       | C. W. Vermillion.....  | Centerville .....  |  |
|       | D. M. Anderson.....    | Albia .....        |  |
| 3     | H. M. Towner.....      | Corning .....      | Adams, Clarke, Decatur, Ringgold, Taylor, Union and Wayne.                           |
|       | Hiram K. Evans.....    | Corydon .....      |  |
| 4     | Frank R. Gaynor.....   | Le Mars .....      | Cherokee, Lyon, Monona, O'Brien, Osceola, Plymouth, Sioux and Woodbury.              |
|       | John F. Oliver.....    | Onawa .....        |  |
|       | William Hutchinson ..  | Alton .....        |  |
|       | David Mould .....      | Sioux City .....   |  |
| 5     | James D. Gamble.....   | Knoxville .....    | Adair, Dallas, Guthrie, Madison, Marion and Warren.                                  |
|       | J. H. Applegate.....   | Guthrie Center ..  |  |
|       | Edmund Nichols .....   | Perry .....        |  |
| 6     | Byron W. Preston.....  | Oskaloosa .....    | Jasper, Keokuk, Mahaska, Poweshiek and Washington.                                   |
|       | W. G. Clements.....    | Newton .....       |  |
|       | K. E. Willcockson..... | Sigourney .....    |  |
| 7     | A. J. House.....       | Maquoketa .....    | Clinton, Jackson, Muscatine and Scott.   |
|       | D. V. Jackson.....     | Muscatine .....    |  |
|       | Jas. W. Bollinger..... | Davenport .....    |  |
|       | Arthur P. Barker.....  | Clinton .....      |  |
| 8     | Ralph P. Howell.....   | Iowa City .....    | Iowa and Johnson.  |
| 9     | William H. McHenry ..  | Des Moines .....   | Polk.  |
|       | James A. Howe.....     | Des Moines .....   |  |
|       | Hugh Brennan .....     | Des Moines .....   |  |
|       | Jesse A. Miller.....   | Des Moines .....   |  |
| 10    | Franklin C. Platt..... | Waterloo .....     | Black Hawk, Buchanan, Delaware and Grundy.   |
|       | Charles E. Ransler.... | Independence ..... |  |
| 11    | C. E. Albrook.....     | Eldora .....       | Boone, Franklin, Hamilton, Hardin, Story, Webster and Wright.                        |
|       | Robert M. Wright.....  | Fort Dodge .....   |  |
|       | C. G. Lee.....         | Ames .....         |  |
| 12    | J. F. Clyde.....       | Osage .....        | Bremer, Butler, Cerro Gordo, Floyd, Hancock, Mitchell, Winnebago and Worth.          |
|       | C. H. Kelley.....      | Charles City ..... |  |
|       | J. J. Clark.....       | Mason City .....   |  |
| 13    | L. E. Fellows.....     | Lansing .....      | Allamakee, Chickasaw, Clayton, Fayette, Howard and Winneshiek.                       |
|       | A. N. Hobson.....      | West Union .....   |  |
| 14    | A. D. Bailie.....      | Storm Lake .....   | Buena Vista, Clay, Dickinson, Emmet, Humboldt, Kossuth, Palo Alto and Pocahontas.    |
|       | Daniel F. Coyle.....   | Humboldt .....     |  |
| 15    | A. B. Thornell.....    | Sidney .....       | Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie and Shelby. |
|       | Eugene B. Woodruff...  | Glenwood .....     |  |
|       | Orville D. Wheeler.... | Council Bluffs ..  |  |
|       | W. R. Green.....       | Audubon .....      |  |
| 16    | Frank M. Powers.....   | Carroll .....      | Calhoun, Carroll, Crawford, Greene, Ida and Sac.                                     |
|       | Zala A. Church.....    | Jefferson .....    |  |
| 17    | C. B. Bradshaw .....   | Toledo .....       | Benton, Marshall and Tama.   |
|       | John M. Parker.....    | Marshalltown ..... |  |

STATE GOVERNMENT

v

DISTRICT COURTS—CONTINUED.

| Dist. | Name                 | Postoffice Address | Counties in District          |
|-------|----------------------|--------------------|-------------------------------|
| 18    | Milo P. Smith.....   | Cedar Rapids ...   | Cedar, Jones and Linn.        |
|       | F. O. Ellison.....   | Anamosa .....      |                               |
|       | W. N. Treichler..... | Wilton .....       |                               |
| 19    | M. C. Matthews.....  | Dubuque .....      | Dubuque.                      |
|       | Robert Bonson .....  | Dubuque .....      |                               |
| 20    | James D. Smyth.....  | Burlington .....   | Des Moines, Henry and Louisa. |
|       | W. S. Withrow.....   | Mt. Pleasant ..... |                               |

SUPERIOR COURTS.

| Name.                  | P. O. Address. | Name.               | P. O. Address.  |
|------------------------|----------------|---------------------|-----------------|
| James H. Rothrock..... | Cedar Rapids.  | S. B. Snyder.....   | Council Bluffs. |
| W. L. McNamara.....    | Keokuk.        | M. D. Porter.....   | Oelwein.        |
| Jacob P. Lyman.....    | Grinnell.      | John Shortley ..... | Perry.          |
| Wm. P. Ferguson.....   | Shenandoah.    |                     |                 |

## THIRTY-THIRD GENERAL ASSEMBLY.

## OFFICERS OF THE SENATE.

*President of the Senate*—George W. Clarke, of Adel, Dallas county.  
*President Pro Tempore*—Senator James A. Smith, of Osage, Mitchell county.  
*Secretary*—Samuel W. Neal, of Washington, Washington county.  
*First Assistant Secretary*—George A. Wilson, of Des Moines, Polk county.  
*Second Assistant Secretary*—Joseph E. Meyer, of Des Moines, Polk county.  
*Engrossing Clerk*—Charles O. Edge, of Newton, Jasper county.  
*Enrolling Clerk*—DeWitt A. Norton, of Newell, Buena Vista county.  
*Journal Clerk*—William M. Lewis, of Des Moines, Polk county.  
*Journal Clerk*—Will A. Lane, of Guthrie Center, Guthrie county.  
*Sergeant-at-Arms*—Joseph H. Reese, of Belmond, Wright county.  
*File Clerk*—John G. Cook, of Arnold's Park, Dickinson county.  
*Bill Clerk*—Paul Gilliland, of Glenwood, Mills county.  
*Postmistress*—Edna A. Dodge, of Jefferson, Greene county.  
*Chief Doorkeeper*—Newton J. Jolley, of Osceola, Clarke county.

## SENATORS.

| Dist. | Name.                       | P. O. Address.    | Counties in District.                       |
|-------|-----------------------------|-------------------|---|
| 40    | Adams, Henry L.....         | West Union .....  | Allamakee, Fayette.                         |
| 50    | Allen, Joseph H.*.....      | Pocahontas .....  | Buena Vista, Humboldt, Pocahontas.          |
| 2     | Allen, William S.....       | Birmingham .....  | Jefferson, Van Buren.                       |
| 49    | Balkema, Nicholas .....     | Sioux Center ...  | Lyon, O'Brien, Osceola, Sioux.              |
| 6     | Bennett, Theophilus W.....  | Lenox .....       | Adams, Taylor.                              |
| 5     | Brown, John D.....          | Leon .....        | Decatur, Ringgold, Union.                   |
| 18    | Bruce, James E.*.....       | Atlantic .....    | Cass, Shelby.                               |
| 42    | Burgess, Henry C.*.....     | Cresco .....      | Howard, Winneshiek.                         |
| 24    | Chapman, Horace R.....      | Bennett .....     | Cedar, Jones.                               |
| 12    | Clark, Elbert W.*.....      | Grinnell .....    | Keokuk, Poweshiek.                          |
| 15    | Clarkson, John T.....       | Albia .....       | Marion, Monroe.                             |
| 17    | Cosson, George .....        | Audubon .....     | Audubon, Dallas, Guthrie.                   |
| 21    | DeArmand, John A.*.....     | Davenport .....   | Scott.                                      |
| 38    | DeWolf, Sherman W.*.....    | Reinbeck .....    | Black Hawk, Grundy.                         |
| 30    | Dowell, Cassius C.*.....    | Des Moines .....  | Polk.                                       |
| 31    | Fitchpatrick, Joseph A..... | Nevada .....      | Boone, Story.                               |
| 44    | Foley, John* .....          | New Hampton ...   | Chickasaw, Floyd.                           |
| 47    | Francis Leslie E.....       | Spirit Lake ..... | Clay, Dickinson, Emmet, Kossuth, Palo Alto. |
| 35    | Frudden, Arfst F.*.....     | Dubuque .....     | Dubuque.                                    |
| 39    | Gates, Charles .....        | Greene .....      | Bremer, Butler.                             |
| 8     | Gilliland, Shirley .....    | Glenwood .....    | Mills, Montgomery.                          |
| 43    | Hammill, John .....         | Britt .....       | Cerro Gordo, Franklin, Hancock.             |
| 33    | Hoyt, Edwin H.....          | Lamont .....      | Buchanan, Delaware.                         |
| 32    | Hunter, Robert .....        | Sioux City .....  | Woodbury.                                   |
| 7     | Jamleson, William D.*.....  | Shenandoah .....  | Fremont, Page.                              |
| 27    | Larrabee, Frederic .....    | Fort Dodge .....  | Calhoun, Webster.                           |
| 4     | McCulloch, George .....     | Humeston .....    | Lucas, Wayne.                               |
| 1     | McManus, Edward P.*.....    | Keokuk .....      | Lee.  |
| 48    | Mattes, Joseph* .....       | Odebolt .....     | Carroll, Greene, Sac.                       |
| 29    | Maytag, Fred L.*.....       | Newton .....      | Jasper.                                     |
| 13    | Moon, Edwin G.*.....        | Ottumwa .....     | Wapello.                                    |
| 20    | Nichols, Jay I.*.....       | West Liberty ...  | Louisa, Muscatine.                          |
| 23    | Parshall, Lyman B.....      | Canton .....      | Jackson.                                    |
| 37    | Peterson, Charles F.*.....  | Clarion .....     | Hamilton, Hardin, Wright.                   |
| 11    | Proudfoot, Aaron V.....     | Indianola .....   | Clarke, Warren.                             |
| 36    | Quigley, Robert .....       | McGregor .....    | Clayton.                                    |
| 14    | Ream, John F.....           | Oskaloosa, R. 5.. | Mahaska.                                    |
| 46    | Sammis, James U.....        | Le Mars .....     | Cherokee, Ida, Plymouth.                    |
| 19    | Saunders, Charles G.....    | Council Bluffs .. | Pottawattamie.                              |
| 16    | Savage, Arthur C.....       | Adair .....       | Adair, Madison.                             |
| 10    | Seeley, William B.*.....    | Mount Pleasant .. | Henry, Washington.                          |
| 9     | Smith, Fred N.*.....        | Burlington .....  | Des Moines.                                 |
| 41    | Smith, James A.....         | Osage .....       | Mitchell, Winnebago, Worth.                 |

## SENATORS—CONTINUED.

| Dist. | Name                    | P. O. Address     | Counties in District        |
|-------|-------------------------|-------------------|-----------------------------|
| 26    | Stuckslager, Willard C. | Lisbon .....      | Linn.                       |
| 3     | Taylor, Lewis L.....    | Centerville ..... | Appanoose, Davis.           |
| 28    | Van Law, C. Harvey...   | Marshalltown ...  | Marshall.                   |
| 45    | Whipple, William P.*..  | Vinton .....      | Benton, Tama.               |
| 25    | White, James A.....     | South Amana ...   | Iowa, Johnson.              |
| 34    | Whiting, Will C.*.....  | Whiting .....     | Crawford, Harrison, Monona. |
| 22    | Wilson, John L.*.....   | Almont .....      | Clinton.                    |

†Resigned his seat March 3, 1909, to take seat in the sixty-first congress.

\*Term expires 1910.

## OFFICERS OF THE HOUSE.

*Speaker*—Guy A. Feely, of Waterloo, Black Hawk county.  
*Speaker Pro Tempore*—Nelson J. Lee, of Estherville, Emmet county.  
*Chief Clerk*—Charles R. Benedict, of Shelby, Shelby county.  
*Assistant Clerk*—A. Cornelius Gustafson, of Red Oak, Montgomery county.  
*Reading Clerk*—John Stevenson, of Jefferson, Greene county.  
*Engrossing Clerk*—Mollie Heist, of Des Moines, Polk county.  
*Enrolling Clerk*—Mabel Elwood, of Elma, Howard county.  
*Journal Clerk*—Ruth Woodruff, of Des Moines, Polk county.  
*Journal Clerk*—Ed. T. Alderman, of Nevada, Story county.  
*File Clerk*—Henry C. Byers, of Garner, Hancock county.  
*Assistant File Clerk*—Gus F. Shell, of Des Moines, Polk county.  
*Bill Clerk*—John L. Crawford, of Des Moines, Polk county.  
*Assistant Bill Clerk*—E. Arthur Wilmeth, of Salem, Henry county.  
*Sergeant-at-Arms*—George H. Van Houten, of Lenox, Taylor county.  
*Speaker's Clerk*—William B. McMurray, of Waterloo, Black Hawk county.  
*Assistant Postmistress*—Clara K. Hook, of Columbus Junction, Louisa county.  
*Chief Doorkeeper*—Trueman W. Hazleton, of Calmar, Winneshiek county.

## REPRESENTATIVES.

| Dist. | Name.                 | P. O. Address. | County in District. |
|-------|-----------------------|----------------|---------------------|
| 5     | Allred, William P.    | Corydon        | Wayne.              |
| 63    | Anderson, William     | Jewell         | Hamilton.           |
| 51    | Arney, Wallace H.     | Marshalltown   | Marshall.           |
| 43    | Balluff, August A.    | Davenport      | Scott.              |
| 97    | Bascom, John L.       | Milford        | Dickinson.          |
| 2     | Bauman, Samuel H.     | Birmingham     | Van Buren.          |
| 25    | Beans, Wellington I.  | Oskaloosa      | Mahaska.            |
| 74    | Beebe, Nathaniel W.   | Hampton        | Franklin.           |
| 20    | Beery, Enoch          | Salem          | Henry.              |
| 94    | Blackmore, Albin C.   | Northwood      | Worth.              |
| 95    | Boe, Lars W.          | Forest City    | Winnebago.          |
| 43    | Boettger, Henry H.    | Davenport      | Scott.              |
| 34    | Bonwell, John C.      | Ross           | Audubon.            |
| 99    | Boomgaarden, Habbe S. | Rock Rapids    | Lyon.               |
| 48    | Bowman, James W.      | Marion         | Linn.               |
| 31    | Brandes, Henry C.     | Hancock        | Pottawattamie.      |
| 8     | Burt, Myron L.        | Bedford        | Taylor.             |
| 47    | Byerly, William M.    | Anamosa        | Jones.              |
| 13    | Calkins, George C.    | Mt. Etna       | Adams.              |
| 57    | Cassady, Edward M.    | Whiting        | Monona.             |
| 38    | Cooper, William R.    | Newton         | Jasper.             |
| 59    | Corrie, Samuel M.*    | Ida Grove      | Ida.                |
| 73    | Cousins, John A.      | New Hartford   | Butler.             |
| 26    | Crozier, George W. S. | Knoxville      | Marion.             |
| 77    | Crummer, John A.      | Pocahontas     | Pocahontas.         |
| 78    | Cunningham, Edward H. | Newell         | Buena Vista.        |
| 3     | Dabney, Isaac T.      | Bloomfield     | Davis.              |
| 29    | Dalby, James T.       | Orient         | Adair.              |
| 16    | Darrah, John H.       | Chariton       | Lucas.              |
| 84    | Davidson, Freeman C.  | Emmetsburg     | Palo Alto.          |
| 79    | Dawson, Wilfred P.    | Aurelia        | Cherokee.           |
| 27    | Derrough, John H.     | Indianola      | Warren.             |
| 44    | Dewell, Hiram         | Clarence       | Cedar.              |
| 35    | Dewey, Henry K.       | Guthrie Center | Guthrie.            |
| 12    | DeWitt, Charles E.    | Elliott        | Montgomery.         |
| 21    | Dodds, William D.     | Danville       | Des Moines.         |
| 60    | Drury, Will           | Early          | Sac.                |
| 31    | Dye, Willoughby       | Macedonia      | Pottawattamie.      |
| 9     | Elliott, Jesse D.     | Hawleyville    | Page.               |
| 46    | Ellis, James W.       | Maquoketa      | Jackson.            |
| 24    | Etter, William L.     | Sigourney      | Keokuk.             |
| 66    | Feely, Guy A.         | Waterloo       | Black Hawk.         |
| 83    | Felt Benjamin F., Jr. | Spencer        | Clay.               |

\*Mr. Robert Baxter, Dem., of Galva, was issued the certificate of election in the 59th District, but the House in the contest proceeding brought by Mr. Corrie seated the contestant.



## REPRESENTATIVES—CONTINUED.

| Dist. | Name                    | P. O. Address      | County Composing District |
|-------|-------------------------|--------------------|---------------------------|
| 15    | Fenn, Joel M.           | Murray             | Clarke.                   |
| 65    | Finlayson, Robert M.    | Grundy Center      | Grundy.                   |
| 90    | Fourt, Edwin H.         | Waukon             | Allamakee.                |
| 36    | Fox, John               | Dallas Center      | Dallas.                   |
| 42    | Fulliam, Edward B.      | Muscatine          | Muscatine.                |
| 19    | Fulton, Charles J.      | Fairfield          | Jefferson.                |
| 53    | Goodykoontz, William W. | Boone              | Boone.                    |
| 39    | Grier, George E.        | Deep River         | Poweshiek.                |
| 62    | Hackler, Charles W.     | Fort Dodge         | Webster.                  |
| 76    | Hanson, Thor O.         | Bode               | Humboldt.                 |
| 38    | Harding, William L.     | Sioux City         | Woodbury.                 |
| 98    | Harvey, Mahlon          | Siuley             | Osceola.                  |
| 17    | Hickenlooper, Thomas    | Albia              | Monroe.                   |
| 85    | Holmes, Otis H.         | Algona             | Kossuth.                  |
| 11    | Huffaker, Henry H.      | Silver City        | Mills.                    |
| 37    | Hunter, Fred H.         | Ankeny             | Polk.                     |
| 14    | Ide, George A.          | Creston            | Union.                    |
| 88    | Inman, Loren W.         | Marble Rock        | Floyd.                    |
| 61    | Jacobs, John W.         | Lake City          | Calhoun.                  |
| 91    | Jewell, Philo M.        | Decorah            | Winneshiak.               |
| 93    | Johnson, Karl J.        | Osage              | Mitchell.                 |
| 1     | Jones, Leroy G.         | Ft. Madison, R. 2. | Lee                       |
| 32    | Kellogg, George A.      | Missouri Valley    | Harrison.                 |
| 45    | Kendall, Albert W.      | Delmar             | Clinton.                  |
| 81    | Klay, Gerrit            | Orange City        | Sioux.                    |
| 41    | Koontz, George W.       | Iowa City          | Johnson.                  |
| 92    | Kull, Hermann           | Cresco, R. 7.      | Howard.                   |
| 71    | Larrabee, William, Jr.  | Clermont           | Fayette.                  |
| 96    | Lee, Nelson J.          | Estherville        | Emmet.                    |
| 23    | McCleery, Samuel M.     | Washington         | Washington.               |
| 55    | McDonald, Edward        | Coon Rapids        | Carroll.                  |
| 87    | Marston, Charles L.     | Mason City         | Cerro Gordo.              |
| 30    | Meredith, Camden A.     | Atlantic           | Cass.                     |
| 72    | Miller, Charles W.      | Waverly            | Bremer.                   |
| 69    | Miller, Simon           | Dubuque            | Dubuque.                  |
| 18    | Moore, Edward J.        | Eldon              | Wapello.                  |
| 48    | Moore, Ernest R.        | Cedar Rapids       | Linn.                     |
| 80    | Newell, Henry N.        | Le Mars            | Plymouth.                 |
| 89    | O'Connor, Frank A.      | New Hampton        | Chickasaw.                |
| 10    | Penn, Alphonso V.       | Sidney             | Fremont.                  |
| 68    | Perkins, Eli C.         | Delhi              | Delaware.                 |
| 22    | Reaney, Robert J.       | Columbus Junction  | Louisa.                   |
| 1     | Reitz, Henry H.         | Donnellson         | Lee.                      |
| 86    | Ripley, Andrew C.       | Garner             | Hancock.                  |
| 21    | Ritter, Henry           | Burlington         | Des Moines.               |
| 6     | Sankey, Ezekiel J.      | Leon               | Decatur.                  |
| 82    | Schee, George W.        | Primghar           | O'Brien.                  |
| 56    | Schroeder, Henry C.     | Schleswig          | Crawford.                 |
| 70    | Schulte, George H.      | Elkader            | Clayton.                  |
| 7     | Sheldon, Frank E.       | Mt. Ayr            | Ringgold.                 |
| 75    | Smith, John R.          | Eagle Grove        | Wright.                   |
| 54    | Stillman, Paul E.       | Jefferson          | Greene.                   |
| 67    | Stoddard, Benjamin F.   | Jesup              | Buchanan.                 |
| 37    | Sullivan, John B.       | Des Moines         | Polk.                     |
| 4     | Swan, George W.         | Plano, R. 2.       | Appanoose.                |
| 33    | Swift, Curran F.        | Harlan             | Shelby.                   |
| 69    | Tegeler, Henry          | Dyersville         | Dubuque.                  |
| 49    | Thompson, Edward C.     | Vinton             | Benton.                   |
| 40    | Tilton, George W.       | Deep River         | Iowa.                     |
| 58    | Ward, George E.         | Sioux City         | Woodbury.                 |
| 64    | Welden, William         | Iowa Falls         | Hardin.                   |
| 52    | White, George C.        | Nevada             | Story.                    |
| 50    | Wilson, Ward            | Traer              | Tama.                     |
| 45    | Wolfe, John L.          | Clinton            | Clinton.                  |
| 28    | Zeller, Elias R.        | Winterset          | Madison.                  |

## COMMISSIONERS FOR IOWA IN OTHER STATES

## COMMISSIONERS FOR IOWA IN OTHER STATES.

List of Commissioners for Iowa in other states, qualified to act as such on the first day of June, 1909, whose terms of office will not expire prior to July 5, 1909; published as required in section 390 of the code, showing their names, postoffice addresses, date of commission, qualification and expiration of commission.

## CONNECTICUT.

| Name                  | Postoffice     | Date of Expiration of Commission | Date on and after which qualified |
|-----------------------|----------------|----------------------------------|-----------------------------------|
| Patrick McGovern..... | Hartford ..... | February 2, 1912..               | February 3, 1909.                 |

## DISTRICT OF COLUMBIA.

|                       |                  |                    |                 |
|-----------------------|------------------|--------------------|-----------------|
| Charles S. Bundy..... | Washington ..... | March 21, 1911.... | March 22, 1908. |
|-----------------------|------------------|--------------------|-----------------|

## ILLINOIS.

|                       |               |                    |                    |
|-----------------------|---------------|--------------------|--------------------|
| Frank P. Crandon..... | Chicago.....  | November 12, 1909. | November 13, 1906. |
| Silas S. Willard..... | Chicago ..... | November 27, 1909. | November 28, 1906. |

## MARYLAND.

|                        |                 |                     |                    |
|------------------------|-----------------|---------------------|--------------------|
| Harry C. Matthieu..... | Baltimore ..... | November 13, 1910.  | November 14, 1907. |
| Abraham H. Fisher..... | Baltimore ..... | April 8, 1911.....  | April 9, 1908.     |
| George W. Manly.....   | Baltimore ..... | October 28, 1911... | October 29, 1908.  |

## MASSACHUSETTS.

|                         |              |                    |                    |
|-------------------------|--------------|--------------------|--------------------|
| Charles Hall Adams..... | Boston ..... | December 18, 1909. | December 19, 1906. |
|-------------------------|--------------|--------------------|--------------------|

## NEW YORK.

|                         |                   |                     |                    |
|-------------------------|-------------------|---------------------|--------------------|
| George H. Corey.....    | New York City.... | December 26, 1911.  | December 27, 1908. |
| James M. Holland.....   | New York City.... | May, 1910.....      | May, 1907.         |
| Hathey K. Armsrong..... | Penn Yan.....     | November 14, 1909.  | November 15, 1906. |
| Edwin F. Corey.....     | New York City.... | April 26, 1910....  | April 27, 1907.    |
| Joseph B. Braman.....   | New York City.... | August 7, 1910....  | April 8, 1907.     |
| Ella F. Braman.....     | New York City.... | October 10, 1910... | October 11, 1907.  |
| Wm. F. Letts.....       | New York City.... | April 9, 1911.....  | April 10, 1908.    |

## OHIO.

|                         |                  |                    |                   |
|-------------------------|------------------|--------------------|-------------------|
| Joseph T. Harrison..... | Cincinnati ..... | January 18, 1911.. | January 19, 1908. |
|-------------------------|------------------|--------------------|-------------------|

## PENNSYLVANIA.

|                         |                    |                    |                     |
|-------------------------|--------------------|--------------------|---------------------|
| John S. Wurts.....      | Philadelphia ..... | September 16, 1911 | September 17, 1908. |
| Walter Morris.....      | Pittsburg .....    | September 1, 1909. | September 2, 1906.  |
| Francis J. Fairman..... | Pittsburg .....    | March 12, 1909.... | March 13, 1906.     |
| Thomas J. Hunt.....     | Philadelphia ..... | May 14, 1911.....  | May 15, 1908.       |

## RHODE ISLAND.

|                     |                  |                    |                    |
|---------------------|------------------|--------------------|--------------------|
| Gilman E. Jopp..... | Providence ..... | December 9, 1910.. | December 10, 1907. |
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WITH DATE OF APPROVAL OF EACH.

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| 66    | AN ACT to confer additional powers on certain cities organized under chapter forty-eight (48) of the acts of the thirty-second general assembly of Iowa as the same appears in chapter fourteen-c (14-c) of title five (V) of the supplement to the code, 1907, and transferring to the city councils of such cities the powers conferred on river front improvements commissions organized in such cities under chapter two hundred ten (210) of the acts of the twenty-ninth general assembly of Iowa as the same appears in chapter nine-a (9-a) of title five (V) of the supplement to the code, 1907, and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund. Approved April 1, A. D. 1909..... | H. F. 473       | 60    |
| 67    | AN ACT to amend the law as it appears in title five (V), chapter fourteen-c (14-c) of the supplement to the code, 1907, relating to the government of certain cities, and conferring additional powers upon such cities. Approved April 8, A. D. 1909.....   | S. F. 206       | 62    |
| 68    | AN ACT to amend the law as it appears in section ten hundred sixty (1060) of the supplement to the code, 1907, relating to the time of the commencement of the term of officers chosen at a general election. Approved April 16, A. D. 1909.....   | S. F. 338       | 63    |
| 69    | AN ACT to amend the law as it appears in sections one thousand eighty-seven-a one (1087-a1), one thousand eighty-seven-a five (1087-a5), one thousand and eighty-seven-a six (1087-a6), one thousand eighty-seven-a ten (1087-a10), one thousand eighty-seven-a twelve (1087-a12), one thousand eighty-seven-a fourteen (1087-a14), one thousand eighty-seven-a nineteen (1087-a19), one thousand eighty-seven-a twenty-one (1087-a21), one thousand eighty-seven-a twenty-two (1087-a22), one thousand eighty-seven-a twenty-three (1087-a23), one thousand eighty-seven-a twenty-four (1087-a24), one thousand eighty-seven-a twenty-five (1087-a25), one thousand eighty-seven-a twenty-six (1087-a26), and one thousand eighty-seven-a twenty-seven (1087-a27) of the supplement to the code, 1907, and to repeal the law as it appears in sections one thousand eighty-seven-a thirteen (1087-a13), one thousand eighty-seven-a fifteen (1087-a15) and one thousand eighty-seven-a eighteen (1087-a18) of the supplement to the code, 1907, and to enact substitutes therefor, all relating to the holding of primary elections by political parties. Approved April 16, A. D. 1909.....  | S. F. 113       | 63    |
| 70    | AN ACT to amend section ten hundred and ninety (1090) of the code, relating to the formation of election precincts. Approved April 16, A. D. 1909.....   | S. F. 297       | 69    |
| 71    | AN ACT to repeal section ten hundred ninety-one (1091) of the code, relative to polling places for country precincts and to enact a substitute therefor. Approved April 6, A. D. 1909....  | H. F. 201       | 69    |
| 72    | AN ACT to amend the law as it appears in section eleven hundred thirty-seven-a seven (1137-a7) of the supplement to the code, 1907, relating to elections and voting machines. Approved March 29, A. D. 1909.....  | H. F. 252       | 69    |
| 73    | AN ACT to amend section eleven hundred forty-three (1143) of the code relating to destruction of ballots. Approved April 15, A. D. 1909.....   | H. F. 439       | 70    |

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| 74    | AN ACT to amend the law as it appears in section eleven hundred seventy-seven (1177) of the code relating to the qualifications of public officers. Approved March 25, A. D. 1909.....   | H. F. 73       | 70   |
| 75    | AN ACT to repeal section one thousand one hundred eighty-five (1185) of the code and to enact a substitute therefor; to repeal section one thousand one hundred eighty-eight (1188) of the code, and to enact a substitute therefor; to repeal section one thousand one hundred ninety-six (1196) of the code and to enact a substitute therefor, relating to officers bonds. Approved April 9, A. D. 1909.....  | H. F. 162      | 70   |
| 76    | AN ACT to amend section eleven hundred ninety-five (1195) of the code, relating to officers holding over for any reason. Approved April 8, A. D. 1909.....   | S. F. 224      | 71   |
| 77    | AN ACT providing for the removal of appointive state officials, members of boards, members of commissions, commissioners and persons appointed by the same. [Additional to chapter eight (8) of title six (VI) of the code, relating to removal from office.] Approved April 10, A. D. 1909.....   | S. F. 418      | 72   |
| 78    | AN ACT authorizing the district court or judge to remove officers for misfeasance, malfeasance or nonfeasance in office, and providing the method of procedure therefor. [Additional to chapter eight (8) of title six (VI) of the code, relating to removal from office.] Approved March 25, A. D. 1909.....  | S. F. 8        | 72   |
| 79    | AN ACT to amend section one thousand three hundred and three (1303) of the supplement to the code, 1907, relating to levying of taxes by board of supervisors, and creating a court expense fund. Approved April 6, A. D. 1909.....  | H. F. 175      | 75   |
| 80    | AN ACT to amend section thirteen hundred three (1303) of the supplement to the code, 1907, relative to the amount of taxes to be levied for making and repairing bridges. Approved April 5, A. D. 1909.....  | H. F. 382      | 75   |
| 81    | AN ACT to amend section one thousand three hundred four (1304) of the supplement to the code, 1907, in relation to the classes of property exempt from the assessment of taxes. Approved April 16, A. D. 1909.....   | H. F. 448      | 75   |
| 82    | AN ACT to amend the law as it appears in section thirteen hundred six-b (1306-b) of the supplement to the code, 1907, so as to authorize cities and incorporated towns to incur an indebtedness not exceeding in the aggregate added to all other indebtedness five per centum of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending as well as purchasing, erecting or maintaining and operating waterworks, electric light and power plants, gas works and heating plants, or building and constructing sewers. Approved March 18, A. D. 1909..... | H. F. 415      | 76   |
| 83    | AN ACT to amend the law as it appears in section thirteen hundred and six-e (1306-e) of the supplement to the code, 1907, relating to the issuance of bonds by cities and towns and providing a means for the payment of such bonds. Approved April 15, A. D. 1909.....  | S. F. 285      | 76   |
| 84    | AN ACT to amend section thirteen hundred twelve (1312) of the code relating to the listing of moneys and credits for taxation by persons acting in a fiduciary capacity. Approved April 7, A. D. 1909.....   | S. F. 329      | 77   |
| 85    | AN ACT amending the law as it appears in section thirteen hundred sixty-one (1361) of the supplement to the code, 1907, and section thirteen hundred fifty-four (1354) and section thirteen hundred fifty-five (1355) of the code, relating to the making of affidavit in assessment of property. Approved March 12, A. D. 1909.....   | S. F. 162      | 77   |
| 86    | AN ACT to repeal section thirteen hundred and sixty-three (1363) of the code, relating to statistics, and enacting a substitute therefor. Approved March 25, A. D. 1909.....   | H. F. 109      | 78   |

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| 87    | AN ACT to repeal section thirteen hundred sixty-six (1366) of the code and enact a substitute therefor relative to assessment rolls. Approved February 23, A. D. 1909.....  | S. F. 37       | 78   |
| 88    | AN ACT providing for the enumeration of deaf or blind persons, additional to chapter one (1), title seven (VII) of the code. Approved April 8, A. D. 1909.....  | H. F. 450      | 79   |
| 89    | AN ACT to amend section one thousand four hundred seven (1407) of the supplement to the code, 1907, relating to the collection of delinquent property personal tax. Approved March 17, A. D. 1909.....  | H. F. 96       | 79   |
| 90    | AN ACT to repeal section fourteen hundred fifteen (1415) of the code relating to the apportionment of taxes by county treasurers and to enact a substitute therefor, and to provide for recovery on treasurer's bond of interest or penalty misapplied. Approved April 16, A. D. 1909.....  | S. F. 362      | 80   |
| 91    | AN ACT to repeal the law as it appears in section fourteen hundred fifty-seven (1457) of the supplement to the code, 1907, and to enact a substitute therefor relating to the subject of loaning or depositing of public funds. Approved March 29, A. D. 1909.....  | S. F. 3        | 80   |
| 92    | AN ACT to amend the law as it appears in section one thousand four hundred and sixty-seven (1467) of the supplement to the code, 1907, relating to collateral inheritance tax and exemptions. Approved April 7, A. D. 1909.....   | S. F. 137      | 81   |
| 93    | AN ACT to amend section fifteen hundred nine (1509) of the code relating to the power and duties of the trustees, board of regents and board of control in regard to roads and highways and to amend section fifteen hundred thirty-two-a (1532-a) of the supplement to the code, 1907, relating to road districts. Approved April 1, A. D. 1909.....   | H. F. 300      | 81   |
| 94    | AN ACT authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.] Approved April 7, A. D. 1909.....  | S. F. 319      | 82   |
| 95    | AN ACT to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.] Approved April 1, A. D. 1909.....   | S. F. 217      | 83   |
| 96    | AN ACT providing for the destruction of weeds and noxious weeds on the public highways and lands adjacent thereto; and the destruction of noxious weeds on railway right-of-ways and grounds and making it the duty of the township trustees and county supervisors to enforce the provisions of this act; amending the law as it appears in section one thousand five hundred and twenty-eight (1528) of the supplement to the code, 1907, and repealing the law as it appears in sections one thousand five hundred and sixty-two (1562) and one thousand five hundred and sixty-two-a (1562-a) of the supplement to the code, 1907, and sections one thousand five hundred and sixty-four (1564), one thousand five hundred and sixty-five (1565) and five thousand and twenty-four (5024) of the code. Approved April 21, A. D. 1909..... | S. F. 71       | 87   |
| 97    | AN ACT to repeal section fifteen hundred thirty (1530) of the supplement to the code, 1907, and enacting a substitute therefor, relating to the county road fund and county drainage fund and providing for the collection and distribution of the same. Approved April 8, A. D. 1909.....  | H. F. 265      | 88   |

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| 98    | AN ACT to amend the law as it appears in section fifteen hundred thirty-two-a (1532-a) of the supplement to the code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts and the collection of property road tax. Approved March 17, A. D. 1909.....   | H. F. 5        | 90   |
| 99    | AN ACT to amend section fifteen hundred sixty-one (1561) of the code, relating to the erection of guide boards. Approved March 17, A. D. 1909.....   | H. F. 134      | 91   |
| 100   | AN ACT to amend section one thousand five hundred and seventy (1570) of the supplement to the code, 1907, providing for the time when osage orange, willow, and other hedge fences shall be trimmed. Approved April 6, A. D. 1909.....   | H. F. 121      | 91   |
| 101   | AN ACT to repeal sections fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the supplement to the code, 1907, and to enact a substitute therefor relating to the working of highways and providing penalties for injury to such highways or the work done thereon. Approved March 29, A. D. 1909.....   | S. F. 317      | 92   |
| 102   | AN ACT to repeal section fifteen hundred and seventy-one (1571) of the supplement to the code, 1907, and to enact a substitute in lieu thereof, relating to traction engines on the public roads. Approved March 25, A. D. 1909.....   | H. F. 102      | 93   |
| 103   | AN ACT to amend sections fifteen hundred and seventy-one-b (1571-b), fifteen hundred and seventy-one-c (1571-c), fifteen hundred and seventy-one-e (1571-e) and fifteen hundred and seventy-one-f (1571-f) of the supplement to the code, 1907, in reference to motor vehicles. Approved February 26, A. D. 1909.....  | S. F. 119      | 94   |
| 104   | AN ACT to repeal section sixteen hundred fifteen (1615) of the code, sections sixteen hundred ten (1610), sixteen hundred eighteen (1618) and sixteen hundred forty-one-d (1641-d) of the supplement to the code, 1907, and enact substitutes therefor; to amend section sixteen hundred thirty-seven (1637) of the code and sixteen hundred twelve (1612) of the supplement to the code, 1907, to repeal section sixteen hundred eighteen-b (1618-b) of the supplement to the code, 1907, relating to corporations for pecuniary profit. Approved April 16, A. D. 1909..... | S. F. 184      | 94   |
| 105   | AN ACT requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the secretary of state, and amending section sixteen hundred twelve (1612) of the supplement to the code, 1907. Approved April 7, A. D. 1909.....  | S. F. 31       | 98   |
| 106   | AN ACT amending the law as it appears in section sixteen hundred fifty (1650) of the code, relating to the reincorporations of the cemetery associations. Approved April 7, A. D. 1909..   | S. F. 269      | 100  |
| 107   | AN ACT to repeal the law as it appears in section sixteen hundred fifty-seven-q (1657-q) of the supplement to the code, 1907, and to enact a substitute therefor relating to the auditing of accounts of the department of agriculture. Approved February 23, A. D. 1909.....  | S. F. 93       | 100  |
| 108   | AN ACT to amend the law as it appears in section sixteen hundred and sixty-one-a (1661-a) of the supplement to the code, 1907, relative to state aid to county and district fairs. Approved March 12, A. D. 1909.....  | S. F. 48       | 101  |
| 109   | AN ACT to amend the law as it appears in section sixteen hundred and sixty-one-a (1661-a) and sixteen hundred seventy-five (1675) supplement to the code, 1907, allowing appropriations for a short course in agriculture and domestic science. Approved April 5, A. D. 1909.....  | H. F. 189      | 101  |
| 110   | AN ACT to repeal the law as it appears in section sixteen hundred seventy-five (1675) of the supplement to the code, 1907, relative to farmers institutes and to enact a substitute therefor. Approved April 1, A. D. 1909.....  | S. F. 87       | 102  |

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| 111   | AN ACT to repeal section sixteen hundred ninety-nine (1699) of the code, relating to the investment of funds of insurance companies other than life, organized under chapter four (4), title nine (IX) of the code and to enact a substitute therefor. Approved April 15, A. D. 1909.....   | H. F. 263      | 103  |
| 112   | AN ACT to amend the law as it appears in section seventeen hundred and fifty-eight-a (1758-a) and section seventeen hundred and nine (1709) of the supplement to the code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in section seventeen hundred and ten (1710) of the supplement to the code, 1907, and enacting a substitute therefor. Approved April 8, A. D. 1909.....  | S. F. 164      | 103  |
| 113   | AN ACT to repeal section eighteen hundred twenty (1820) of the code relating to limitation of actions and enacting a substitute therefor. Approved April 1, A. D. 1909.....   | H. F. 159      | 105  |
| 114   | AN ACT to amend section eighteen hundred and fifty-seven (1857) of the code, relating to the dissolution of state banks. Approved April 3, A. D. 1909.....  | S. F. 208      | 105  |
| 115   | AN ACT to repeal section eighteen hundred seventy-five (1875) of the supplement to the code, 1907, and enact a substitute therefor, relating to banks and banking. Approved April 13, A. D. 1909.....   | H. F. 485      | 106  |
| 116   | AN ACT fixing the liability of a bank to its depositor for payment of forged or raised checks. [Additional to chapter twelve (12) of title nine (IX) of the code, relating to banks.] Approved April 5, A. D. 1909.....   | S. F. 213      | 107  |
| 117   | AN ACT to repeal sections nineteen hundred fifty-five (1955) and nineteen hundred fifty-six (1956) of the code and to enact substitutes therefor, and to amend section nineteen hundred fifty-nine (1959) of the code, all relating to the construction of levees, ditches or drains by owners of lands for agricultural, sanitary or mining purposes across the lands of others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains. Approved April 16, A. D. 1909.....  | H. F. 549      | 107  |
| 118   | AN ACT to amend the law as it appears in sections nineteen hundred eighty-nine-a two (1989-a2), nineteen hundred eighty-nine-a five (1989-a5), nineteen hundred eighty-nine-a six (1989-a6), nineteen hundred eighty-nine-a seven (1989-a7), nineteen hundred eighty-nine-a eight (1989-a8), nineteen hundred eighty-nine-a ten (1989-a10), nineteen hundred eighty-nine-a twelve (1989-a12), nineteen hundred eighty-nine-a thirteen (1989-a13), nineteen hundred eighty-nine-a fourteen (1989-a14), nineteen hundred eighty-nine-a sixteen (1989-a16), nineteen hundred eighty-nine-a eighteen (1989-a18), nineteen hundred eighty-nine-a twenty-two (1989-a22), nineteen hundred eighty-nine-a twenty-nine (1989-a29), nineteen hundred eighty-nine-a thirty-two (1989-a32), nineteen hundred eighty-nine-a thirty-five (1989-a35), nineteen hundred eighty-nine-a forty-four (1989-a44), of the supplement to the code, 1907, and to repeal sections nineteen hundred eighty-nine-a three (1989-a3), nineteen hundred eighty-nine-a eleven (1989-a11) and nineteen hundred eighty-nine-a nineteen (1989-a19) of the supplement to the code, 1907, and enact substitutes therefor; and to enact sections of law additional to chapter two-a (2-a) of title ten (X) of the supplement to the code, 1907. All relating to the subject of waters, water courses, levees, drains, and drainage districts. Approved April 16, A. D. 1909..... | H. F. 495      | 109  |
| 119   | AN ACT to amend the law as it appears in section nineteen hundred eighty-nine-a fourteen (1989-a14) of the supplement to the code, 1907, relating to proceedings after decision upon appeal. Approved April 16, A. D. 1909.....   | S. F. 429      | 115  |

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| 120   | AN ACT to amend the law as it appears in section nineteen hundred and eighty-nine-a twenty-seven (1989-a27) of the supplement to the code, 1907, relating to drainage bonds, providing for additional levy of tax and sale of bonds in certain contingencies. Approved April 15, A. D. 1909.....   | S. F. 383      | 115  |
| 121   | AN ACT to repeal section one thousand nine hundred eighty-nine-a forty-two (1989-a42) to the supplement of the code, 1907, relative to the duties of the county auditor—and to the employment of additional help for county auditors in levee or drainage districts—and to the drainage record, and the enactment of a substitute therefor. Approved April 6, A. D. 1909..                           | H. F. 417      | 116  |
| 122   | AN ACT additional to chapter two-a (2-a), title ten (X) of the supplement to the code, 1907, relating to levees, ditches, drains and water courses, and providing for the acquirement of land by condemnation proceedings outside of a drainage district or county for purpose of securing proper outlet. Approved April 13, A. D. 1909.....   | S. F. 157      | 116  |
| 123   | AN ACT to amend section two thousand twenty-eight (2028) as it appears in the supplement to the code, 1907, relating to ways to lands which have no other means of access. Approved April 6, A. D. 1909.....   | H. F. 433      | 117  |
| 124   | AN ACT to amend the law as it appears in section twenty hundred and seventy-one (2071) of the supplement to the code, 1907, relating to the liability of corporations operating a railway for negligence or wrongs of employes. Approved March 25, A. D. 1909.....   | S. F. 4        | 117  |
| 125   | AN ACT to repeal section two thousand seventy-seven-a (2077-a) of the supplement to the code, 1907, and to enact a substitute therefor relative to the installing of telephones and posting notices in railway stations. Approved April 16, A. D. 1909....   | H. F. 488      | 118  |
| 126   | AN ACT requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines. [Additional to chapter five (5) of title ten (X) of the code, relating to construction and operation of railways.] Approved April 2, A. D. 1909..... | S. F. 304      | 118  |
| 127   | AN ACT to amend the law as it appears in section two thousand one hundred and thirteen (2113) of the supplement to the code, 1907, enlarging the powers of the railroad commissioners. Approved April 16, A. D. 1909.....  | S. F. 328      | 119  |
| 128   | AN ACT to amend the law as it appears in section twenty-one hundred and sixteen (2116) of the supplement to the code, 1907, relating to the duty of railways to furnish transportation. Approved April 1, A. D. 1909.....  | S. F. 23       | 120  |
| 129   | AN ACT to amend section two thousand one hundred nineteen (2119) of the code, relating to the enforcement of the rules, orders and regulations of the board of railway commissioners and to provide for the time when said rules, orders or regulations shall take effect. Approved April 16, A. D. 1909.....  | H. F. 54       | 120  |
| 130   | AN ACT to amend the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, relating to free passes by common carriers. Approved March 25, A. D. 1909.....   | S. F. 218      | 121  |
| 131   | AN ACT to repeal title eleven (XI) of the code and the law as it appears in title eleven (XI) of the supplement to the code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa." Approved April 6, A. D. 1909.....  | H. F. 250      | 121  |
| 132   | AN ACT to amend section two thousand two hundred and forty-seven (2247) of the code in relation to the levy of a poor tax. Approved April 8, A. D. 1909.....   | H. F. 230      | 131  |

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| 133   | AN ACT to amend the law as it appears in sections twenty-three hundred ten-a nineteen (2310-a19) and twenty-three hundred ten-a twenty-eight (2310-a28) of the supplement to the code, 1907, relative to the expenses and payment unereof, and costs incurred on account of patients committed as inebriates to state hospitals, and repealing section twenty-three hundred ten-a thirty (2310-a30) of the supplement to the code, 1907, and enacting a substitute therefor relative to the payment of expenses for the returning of an escaped patient and recommitment to the hospital for inebriates. Approved April 21, A. D. 1909. | S. F. 333      | 132  |
| 134   | AN ACT to repeal section twenty-three hundred forty-one-d (2341-d) of the supplement to the code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure bred stallions. Approved February 23, A. D. 1909  | S. F. 88       | 133  |
| 135   | AN ACT providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof. [Additional to chapter three (3) of title twelve (XII) of the code, relating to domestic animals.] Approved April 8, A. D. 1909.  | H. F. 126      | 133  |
| 136   | AN ACT to provide for the payment of bounties for killing ground hogs. [Additional to section twenty-three hundred forty-eight (2348) of the code, relating to bounties.] Approved March 25, A. D. 1909.  | H. F. 174      | 134  |
| 137   | AN ACT to provide for the payment of a bounty for the destruction of rattlesnakes. [Additional to section twenty-three hundred forty-eight (2348) of the code, relating to bounties.] Approved February 26, A. D. 1909.   | S. F. 28       | 134  |
| 138   | AN ACT to repeal section twenty-three hundred and sixty-seven (2367) of the code defining a lawful fence and to enact a substitute therefor. Approved April 1, A. D. 1909.  | H. F. 71       | 135  |
| 139   | AN ACT to amend section two thousand three hundred ninety-four (2394) of the code, relating to the sale of intoxicating liquors by permit holders. Approved April 16, A. D. 1909.   | S. F. 59       | 136  |
| 140   | AN ACT to repeal section twenty-four hundred and forty-five (2445) of the code and to enact a substitute therefor, relating to the disposition to be made by the board of supervisors of the mulct tax. Approved March 25, A. D. 1909.  | H. F. 37       | 137  |
| 141   | AN ACT to prohibit drinking intoxicating liquors as a beverage or the use of profane and indecent language on any railway passenger car or street car in service and make the same a misdemeanor and giving the conductor of any train carrying passengers the right to refuse to permit any person intoxicated to enter any passenger car or street car in service and to eject from his train certain disorderly persons. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.] Approved April 13, A. D. 1909.   | S. F. 130      | 138  |
| 142   | AN ACT limiting the number of persons to whom city or town councils may, by resolution, grant consent to sell intoxicating liquors, and to prohibit any person who shall be convicted or enjoined for violating the laws of this state relating to the sale or disposition of intoxicating liquors, from engaging in the sale of intoxicating liquors within five years from the date thereof. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.] Approved April 15, A. D. 1909.  | S. F. 298      | 139  |
| 143   | AN ACT to prohibit any person, except a qualified elector, from engaging in the sale of intoxicating liquors at retail, and to prohibit any person, firm, association or corporation engaged or interested in the manufacture, brewing, distilling or refining of intoxicating liquors, from owning or leasing any building, fixtures, furniture or apparatus to be used for the purpose of selling intoxicating liquors at retail. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.] Approved April 12, A. D. 1909.   | S. F. 76       | 140  |

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| 145   | AN ACT to amend the law as it appears in section twenty-four hundred seventy-seven-d (2477-d), supplement to the code, 1907, relating to authority of officers to demand proof of age of children employed, and defining what said proof shall be. Approved March 25, A. D. 1909.....  | H. F. 191       | 141   |
| 146   | AN ACT amending the law as it appears in section twenty-four hundred eighty-nine-a (2489-a), supplement to the code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers. Approved March 25, A. D. 1909.....  | H. F. 337       | 141   |
| 147   | AN ACT to amend the law as it appears in section twenty-five hundred five (2505) of the supplement to the code, 1907, relating to the inspection of petroleum products. Approved April 16, A. D. 1909.....   | H. F. 377       | 142   |
| 148   | AN ACT exempting stocks of paint in the hands of jobbers and dealers in the state on January 1st, 1908, from the requirements of the law which appears as sections two thousand five hundred and ten-b (2510-b), two thousand five hundred and ten-c (2510-c), two thousand five hundred and ten-d (2510-d) and two thousand five hundred and ten-h (2510-h) of the supplement to the code, 1907. Approved February 8, A. D. 1909.....   | S. F. 9         | 142   |
| 149   | AN ACT making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails to carry a light during certain hours, and otherwise regulating operation of same and fixing a penalty for violation. [Additional to chapter twelve (12) of title twelve (XII) of the code, relating to the inspection of passenger boats.] Approved February 24, A. D. 1909.....  | S. F. 63        | 143   |
| 150   | AN ACT to amend sections two thousand five hundred thirty (2530) and two thousand five hundred thirty-six (2536) of the supplement to the code, 1907, relating to state veterinary surgeons. Approved April 8, A. D. 1909.....   | H. F. 198       | 143   |
| 151   | AN ACT to establish a laboratory for the manufacture of hog cholera serum at or near Des Moines under the supervision of the state veterinary surgeon and make an appropriation therefor. [Additional to chapter fourteen (14) of title twelve (XII) of the code, relating to state veterinary surgeon.] Approved April 12, A. D. 1909.....  | H. F. 153       | 144   |
| 152   | AN ACT to amend section two thousand five hundred and thirty-nine (2539) of the supplement to the code, 1907, relating to the compensation and duties of the fish and game warden. Approved April 5, A. D. 1909.....   | S. F. 235       | 145   |
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| 157   | AN ACT to amend section twenty-five hundred and seventy-five-a thirty-one (2575-a31) of the supplement to the code, 1907, and to repeal section twenty-five hundred and seventy-five-a twenty-nine (2575-a29) of the supplement to the code, 1907, relative to the qualifications of nurses and enacting a substitute therefor. Approved April 16, A. D. 1909.....   | H. F. 405      | 154  |
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| 170   | AN ACT to create a state board of education for the state university, the college of agriculture and mechanic arts, and the normal school, and to prescribe its duties and to provide for the management and control of the state university, the college of agriculture and mechanic arts, and the normal school, to make appropriations therefor, and to repeal sections two thousand six hundred seventeen (2617), two thousand six hundred eighteen (2618), two thousand six hundred nineteen (2619), two thousand six hundred twenty (2620), two thousand six hundred thirty-five (2635), two thousand six hundred thirty-six (2636), two thousand six hundred forty-two (2642), two thousand six hundred forty-seven (2647), two thousand six hundred fifty-one (2651), two thousand six hundred fifty-two (2652), two thousand six hundred fifty-three (2653), two thousand six hundred sixty-eight (2668), two thousand six hundred sixty-nine (2669), two thousand six hundred seventy (2670), two thousand six hundred eighty-one (2681) of the code, and the law as it appears in sections two thousand six hundred forty-six (2646), two thousand six hundred fifty (2650), two thousand seven hundred twenty-seven-a fifty-three (2727-a53), two thousand seven hundred twenty-seven-a fifty-four (2727-a54), two thousand seven hundred twenty-seven-a fifty-five (2727-a55), two thousand seven hundred twenty-seven-a fifty-six (2727-a56), of the supplement to the code, 1907, and to repeal all acts, and parts of acts inconsistent with this act. Approved March 29, A. D. 1909..... | S. F. 198      | 166  |
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| 203   | AN ACT providing for the deposit of money in lieu of bond where bonds are required as security for costs. [Additional to chapter fifteen (15) of title eighteen (XVIII) of the code, relating to security for costs.] Approved April 5, A. D. 1909.....  | H. F. 200      | 190  |
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| 208   | AN ACT to amend the law as it appears in section forty-six hundred-a (4600-a) of the supplement to the code, 1907, relating to the compensation of justices of the peace and constables. Approved February 5, A. D. 1909.....  | S. F. 42       | 192  |
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| 210   | AN ACT to prevent placing obstructions on the streets, alleys, and highways and providing a penalty therefor. [Additional to chapter four (4) of title twenty-four (XXIV) of the code, relating to malicious mischief and trespass.] Approved April 13, A. D. 1909.....  | S. F. 350      | 193  |
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| 212   | AN ACT to amend the law as it appears in section four thousand nine hundred and thirty-six (4936) of the supplement to the code, 1907, relative to marriage of cousins. Approved March 18, A. D. 1909.....   | H. F. 251      | 194  |
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| 217   | AN ACT prohibiting the giving of immoral plays, exhibitions, and entertainments and the use and leasing of real property therefor and providing a penalty for the violation thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.] Approved April 13, A. D. 1909.....  | S. F. 358      | 199  |
| 218   | AN ACT to amend section four thousand nine hundred and seventy-nine (4979) of the code, relating to offenses against the public health. Approved April 6, A. D. 1909.....   | H. F. 291      | 200  |
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| 220   | AN ACT to amend the law as it appears in section forty-nine hundred ninety-nine-a nine (4999-a9) of the supplement to the code, 1907, relating to protection against fire and providing means for escape. Approved March 12, A. D. 1909.....  | S. F. 72       | 201  |
| 221   | AN ACT to amend the law as it appears in section four thousand nine hundred and ninety-nine-a thirty-one (4999-a31) of the supplement to the code, 1907, relating to food standards. Approved April 6, A. D. 1909.....  | H. F. 321      | 201  |
| 222   | AN ACT to amend the law as it appears in section five thousand twenty-eight-b (5028-b) of the supplement to the code, 1907, relating to unfair discrimination between different sections, communities or localities, defining the same and providing penalties for persons found guilty thereof. Approved April 8, A. D. 1909.....  | S. F. 105      | 201  |
| 223   | AN ACT to authorize the issuance of a search warrant, and the seizure of cigarettes and cigarette papers, the apprehension of the occupant of the place or building in or upon which the same are sold or kept and providing for the levy of a tax against said place or building. [Additional to chapter eleven (11) of title twenty-four (XXIV) of the code, relating to offenses against public policy.] Approved March 29, A. D. 1909.....  | H. F. 278      | 202  |
| 224   | AN ACT to prohibit the use of cigarettes by minors under twenty-one years of age, and providing penalties therefor. [Additional to chapter eleven (11) of title twenty-four (XXIV) of the code, relating to offenses against public policy.] Approved April 13, A. D. 1909.....   | S. F. 92       | 203  |
| 225   | AN ACT to prohibit any person, company, partnership, association or corporation, engaged in any business, or owning or operating any business, from combining or entering into any agreement, contract, trust or pool to fix the prices at which any commodity or any article of commerce is to be sold, or to prevent the free action of competition in the buying of any commodity or any article of commerce, or the selling of any commodity or any article of commerce, and to provide punish- |                |      |

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| 226   | AN ACT to define gift enterprises and to provide a penalty for carrying on the same. [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code, relating to cheating by false pretenses, gross frauds and conspiracy.] Approved April 15, A. D. 1909.....   | S. F. 386      | 205  |
| 227   | AN ACT to amend the law as it appears in section five thousand two hundred eighty-nine (5289) of the code, by adding thereto a provision permitting the county attorney to amend indictments and to require that objections to indictments be waived if not made before swearing the jury on the trial of the case. Approved April 15, A. D. 1909.....                                   | H. F. 93       | 206  |
| 228   | AN ACT to amend section fifty-four hundred forty-eight (5448) of the code, relating to the time in which an appeal may be taken from the final judgment in criminal cases. Approved February 5, A. D. 1909.....  | S. F. 67       | 206  |
| 229   | AN ACT to amend section five thousand six hundred and fifty-two (5652) of the code, relating to hard labor by persons confined in jails. Approved March 18, A. D. 1909.....  | H. F. 248      | 207  |
| 230   | AN ACT providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory. [Additional to chapter two (2) of title twenty-six (XXVI) of the code, relating to the penitentiaries.] Approved March 17, A. D. 1909.....   | H. F. 399      | 207  |
| 231   | AN ACT to amend the law as it appears in section five thousand seven hundred eighteen-a eighteen (5718-a-18) of the supplement to the code, 1907, relating to the power of the board of parole to establish rules and regulations governing paroles. Approved April 16, A. D. 1909.....  | S. F. 379      | 208  |
| 232   | AN ACT to grant to certain officers and other employes of the state institutions under the control of the board of control of state institutions annual vacations with pay and to repeal section fifty-seven hundred eighteen-a twenty-nine (5718-a-29) and section fifty-seven hundred eighteen-a thirty (5718-a30) of the supplement to the code, 1907. Approved April 2, A. D. 1909.. | S. F. 197      | 208  |
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## NOTE.

The general laws are arranged in chapters according to the numerical order of the section, chapter or title of the code or the supplement to the code, which is amended as shown by the references thereto in each of said acts.

LAWS  
OF THE  
**Thirty-Third General Assembly**  
OF THE  
**STATE OF IOWA**

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE CAPITAL  
OF THE STATE, BEGUN ON THE ELEVENTH DAY OF JANUARY, AND  
ENDED ON THE NINTH DAY OF APRIL, A. D. 1909, IN THE  
SIXTY-THIRD YEAR OF THE STATE.

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**GENERAL LAWS**

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CHAPTER 1.  
CODE AND SESSION LAWS.

S. F. 75.

AN ACT to repeal sections sixteen (16), seventeen (17) and twenty (20) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly as the same appear on page four (4) of the prefix to the code, and enact substitutes therefor; to repeal sections eighteen (18) and nineteen (19) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly, as amended by chapter one (1) of the acts of the thirty-first general assembly, and as same appear on page five (5) of the prefix to the supplement to the code, 1907 and enact substitutes therefor; and to repeal sections forty-two (42), forty-three (43), forty-four (44), forty-five (45) and forty-six (46) of the code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the codes and session laws.

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

**SECTION 1. Repeal—code—distribution by secretary of state—sale price.** That section sixteen (16) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly, as the same appears on page four (4) of the prefix to the code, be repealed and the following enacted in lieu thereof:

“As soon as five hundred copies of the code are printed and bound to the satisfaction of the editor and code supervising committee, the same shall be deposited with the secretary of state, and so on until all have been completed, and the secretary of state shall be the custodian thereof, and shall distribute the same as follows: To the state library for exchange purposes one hundred and fifty copies; to the law library of the state university for exchange purposes with the law libraries of other state and territorial universities or colleges, fifty copies; to the state historical department and the state historical society, each ten copies; to all judges of the supreme and district courts of Iowa and judges of the United States circuit and district courts in Iowa, one copy each; to the clerk of the supreme court of Iowa, to each clerk of the district court of Iowa, and to each clerk of the United States circuit and dis-

trict court in Iowa, one copy each for use in term time; to the state institutions and state officers, two copies each; to the separate departments of the principal state offices, members of the permanent state boards and commissions, offices of the permanent state boards and commissions when maintained at the seat of government, members of the thirty-fourth and succeeding general assemblies, chief clerk of the house, secretary of the senate, judges of the superior courts, college and public libraries within the state, state or territorial libraries in the United States, county officers, mayor of each city or town, justices of the peace, and township clerks, each one copy. Said code shall be sold to the public generally at the uniform price of not more than five dollars per copy; the price to be fixed by the executive council."

**SEC. 2. Repeal—distribution by county auditor—receipts.** That section seventeen (17) of the acts of the extra session of the twenty-sixth general assembly, as same appears on page four (4) of the prefix to the code, be repealed and the following enacted in lieu thereof:

"For the convenience of distribution the county auditor shall make requisition on the secretary of state for the number of copies needed for sale and gratuitous distribution in his county, and the secretary of state shall deliver to the county auditor the number so ordered, charging him therewith on the books of his office. Upon receipt thereof, the county auditor shall execute his receipt in duplicate therefor, one of which shall be filed in his office and the other immediately forwarded to the secretary of state. The county auditor shall deliver a copy to each of the county, township and city or town officers entitled thereto under the provisions of section sixteen (16) hereof and take receipts in duplicate therefor, one of which shall be filed in his office and the other forwarded to the secretary of state along with the annual report provided for in section nineteen (19) hereof."

**SEC. 3. Repeal—sales by secretary of state and county auditor.** That section eighteen (18) of chapter twenty (20) of the acts of the twenty-sixth general assembly, as amended by chapter one (1) of the acts of the thirty-first general assembly and as same appears on page five (5) of the prefix to the supplement to the code 1907, be repealed and the following enacted in lieu thereof:

"The secretary of state and county auditor shall sell copies of the code at the price fixed under the provisions of section sixteen hereof, at not more than five dollars per copy. The secretary of state shall pay the proceeds arising from all such sales made by him into the state treasury each month. The county auditor shall pay the proceeds arising from such sales made by him into the county treasury for the use of the state revenue, on or before the first Monday of January in each year taking receipt in duplicate therefor, one of which shall be immediately forwarded to the secretary of state."

**SEC. 4. Repeal—accounting—annual report.** That section nineteen (19) of chapter twenty (20) of the acts of the twenty-sixth general assembly, as amended by chapter one (1) of the acts of the thirty-first general assembly, and as same appears on page five (5) of the prefix to the supplement to the code 1907 be repealed and the following enacted in lieu thereof.

"The county auditor shall keep an accurate account of the codes received, sold and distributed, and shall annually on or before the first Monday of January of each year make out in writing under oath a report, showing the number of codes on hand at the beginning of the annual period, the number received, the number sold and the number gratuitously distributed during the year, the number on hand at the date of the report and the amount paid into the county treasury, and transmit said report to the secretary of state, who in turn shall certify to the auditor of state on or before the fifteenth day of January in each year the amount paid into the county treasury by the county auditor as shown by said report and the receipt of the county treasurer. The



auditor of state shall thereupon charge the county treasurer with the amount so certified. The secretary of state shall credit the county auditor with the number sold and otherwise disposed of during the year as shown by said report and the receipts accompanying it."

**SEC. 5. Repeal—copies delivered to successors.** That section twenty (20) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly, as same appears on page four (4) of the prefix to the code, be repealed and the following enacted in lieu thereof:

"When a secretary of state goes out of office, having any such copies remaining, he shall deliver them to his successor, taking his receipt therefor in duplicate, one of which shall be filed in the office of the secretary of state, which shall be his sufficient discharge for the same. When a county auditor goes out of office having any such copies remaining, he shall deliver them to his successor, taking his receipt in duplicate therefor one of which shall be forwarded to the secretary of state, which shall be his sufficient discharge for the same; and every county officer, justice of the peace, mayor of city or town and township clerk, receiving a copy shall give his receipt in duplicate therefor, and shall pass the copy to his successor, or deliver it to the county auditor for the use of subsequent officers, and each shall be liable therefor on his official bond."

**SEC. 6. Repeal—session laws—distribution by secretary of state.** That section forty-two (42) of the code be repealed and the following enacted in lieu thereof:

"The secretary of state shall distribute the laws aforesaid as follows: To the state library for exchange purposes one hundred and fifty copies; to the law library of the state university for exchange purposes with the law libraries of other state and territorial universities or colleges, fifty copies; to the state historical department and the state historical society, each ten copies; to all judges of the supreme and district courts of Iowa and judges of the United States circuit and district courts in Iowa, one copy each; to the clerk of the supreme court of Iowa, to each clerk of the district court of Iowa, and to each clerk of the United States circuit and district court in Iowa, one copy each for use in term time; to the state institutions and state officers, two copies each, to the separate departments of the principal state offices, members of permanent state boards or commissions, offices of permanent state boards or commissions when maintained at the seat of government; members of the thirty-fourth and succeeding general assemblies, chief clerk of the house, secretary of the senate, judges of the superior courts, colleges and public libraries within the state, state and territorial libraries in the United States each one copy; all of the foregoing to be bound in law sheep; the copies for distribution to the county auditors upon their requisition to be bound in board."

**SEC. 7. Repeal—distribution by county auditors.** That section forty-three (43) of the code be repealed and the following enacted in lieu thereof:

"Each county officer, justice of the peace, township clerk and mayor of city or town shall be supplied with a copy of the laws for the use of his office. The county auditor shall make requisition upon the secretary of state for the number of copies needed for gratuitous distribution and for sale purposes, and the secretary of state shall deliver to the county auditor the number so ordered, charging him therewith upon the books of his office. Upon receipt thereof the county auditor shall execute his receipt in duplicate therefor, one of which shall be filed in his office and the other immediately forwarded to the secretary of state. The county auditor shall deliver a copy of the laws to each of the officers entitled thereto under the provisions of this section and take receipts in duplicate therefor, one of which shall be filed in his office and the

other forwarded to the secretary of state along with the annual report provided for in section forty-five (45) hereof."

**SEC. 8. Repeal—sales by secretary of state and county auditor.** That section forty-four (44) of the code be repealed and the following enacted in lieu thereof:

"The secretary of state and the county auditor shall sell the board bound copies at fifty cents each. The secretary of state may sell any sheep bound copies remaining in his possession after making distribution thereof as provided in section forty-two (42) hereof at the rate of one dollar per copy. The secretary of state shall pay the proceeds arising from all such sales made by him into the state treasury each month. The county auditor shall pay the proceeds arising from all such sales made by him into the county treasury for the use of the state revenue, on or before the first Monday of January in each year, taking a receipt in duplicate therefor, one of which shall be immediately forwarded to the secretary of state."

**SEC. 9. Repeal—accounts, how kept—annual report.** That section forty-five (45) of the code be repealed and the following enacted in lieu thereof:

"The county auditor shall keep an accurate account of the laws received, sold and distributed, and shall annually on or before the first Monday of January in each year make out in writing under oath, a report, showing the number of laws on hand at the beginning of the annual period, the number received, the number sold and the number gratuitously distributed during the year, and the number on hand at the date of the report, and the amount paid into the county treasury, and transmit said report to the secretary of state, who in turn shall certify to the auditor of state on or before the fifteenth day of January in each year the amount paid to the county treasurer by the county auditor as shown by said report and the receipt of the county treasurer. The auditor of state shall thereupon charge the county treasurer with the amount so certified. The secretary of state shall credit the county auditor with the number of laws sold and otherwise disposed of as shown by the said report and by the receipts accompanying it."

**SEC. 10. Repeal—copies delivered to successors.** That section forty-six (46) of the code be repealed and the following enacted in lieu thereof:

"When a secretary of state goes out of office, having any copies of the laws remaining, he shall deliver them to his successor, taking his receipt therefor in duplicate, one of which shall be filed in the office of the secretary of state, which shall be his sufficient discharge for the same. When a county auditor goes out of office, having any such copies remaining, he shall deliver them to his successor, taking his receipt in duplicate therefor, one of which shall be immediately forwarded to the secretary of state, which shall be his sufficient discharge for the same; and every county officer, justice of the peace, mayor of city or town, and township clerk, receiving a copy shall give his receipt in duplicate therefor, and shall pass the copy to his successor, or deliver it to the county auditor for the use of subsequent officers, and each shall be liable therefor on his official bond."

**SEC. 11. Copies of certain session laws given away.** The provisions of the law relative to the sale of and accounting for the session laws shall not be applicable to the session laws of the twenty-sixth and the preceding general assemblies. The secretary of state and the county auditors are hereby authorized to distribute gratuitously to attorneys, libraries and other interested persons or associations the session laws of the twenty-sixth and previous general assemblies, provided that the secretary of state shall maintain the number of copies of the acts of each of said general assemblies in reserve as may be fixed by the executive council in accordance with the provisions of section one hundred twenty-six-d (126-d) of the supplement to the code 1907.

**SEC. 12. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 16, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 2.

### DISTRIBUTION OF LAWS BECOMING EFFECTIVE BY PUBLICATION.

H. F. 130.

AN ACT relating to the distribution of laws becoming effective by publication. [Additional to chapter three (3), title one (I) of the code, relating to the statutes.]

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

**SECTION 1. Certified copies sent to clerk of district court.** Whenever an act of the general assembly of a general nature shall take effect by publication the secretary of state shall forthwith send by mail to each clerk of the district court a certified copy thereof. Upon the receipt of such copies of such laws the clerk shall file the same in his office and preserve same for a period of not less than six months. All persons shall have access to such copies of laws when so filed and the clerk shall furnish copies thereof on request and may charge and receive therefor ten cents for every one hundred words.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Ia.

Approved April 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 28, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 3.

### CRIMINAL REPORTS AND STATISTICS.

S. F. 343.

AN ACT to repeal section sixty-nine (69) of the code, and to amend the law as it appears in section five thousand seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code 1907; also to amend sections two hundred ninety-three (293), four hundred seventy-five (475) and five thousand six hundred forty-one (5641) of the code, relating to criminal reports and statistics.

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

**SECTION 1. Board of parole to make biennial report to the governor.** That section five thousand seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code, 1907, be amended by inserting after the period following the word resolution in the twenty-sixth line the following:

“They shall, prior to the beginning of each regular session of the general assembly, make a report to the governor, including a summary of paroles granted and releases recommended, the names of all prisoners who have

violated their paroles and such other information concerning its operation under the law as may be deemed to be of public interest, also, an abstract for each year of the criminal returns received from the clerks of the district court, embracing all of the important facts contained in such return."

**SEC. 2. Clerk of district court to report criminal statistics to board of parole.** That section two hundred and ninety-three (293) of the code be, and the same is hereby amended by striking out the words "secretary of state" as they appear in the second line of said section, and inserting in lieu thereof the words "board of parole", and by striking out the word "November" as the same appears in the third line of said section, and inserting in lieu thereof the word "July", and by striking out all of said section commencing with the word "but" in the eighth line and inserting in lieu thereof the following: "Jurors' fees in all criminal cases; jurors' meals served while in the trial of criminal cases; all bailiffs' fees for service while in attendance upon the court or jury during the trial of criminal cases; printing and postage used in connection with criminal cases; all expenses in taking convicted persons to prison; attorneys' fees allowed in the defense of criminals; all the fees of grand juries; all fees paid to the court reporter for reporting in the trial of criminal cases; all the fees of grand juries; all fees paid to witnesses appearing before grand juries; all fees paid to the clerk of the grand jury; the compensation of the bailiff for attendance upon the grand jury; all fees of the sheriff and other officers paid by the county for services in connection with the work of the grand jury; all expenses made in connection with the jail; all jurors' fees, jurors' meals, witnesses' fees, constables' and justices' fees paid by the county in all criminal cases before justices of the peace and police courts; the compensation of the county attorney and his assistants."

**SEC. 3. County auditor to report statistics of crime to clerk of court.** That section four hundred and seventy-five (475) of the code be and the same is hereby amended by striking out the words "fifteenth day of October" in the second and third line of said section and inserting in lieu thereof the words "fifth day of July", and by striking out the word "September" in the fourth line of said section and inserting in lieu thereof the word "June".

**SEC. 4. Sheriff to report information to clerk of court.** That section five thousand six hundred and forty-one (5641) of the code be amended by adding at the end of said section the following, "and shall report the information contained in such calendar, to the clerk of the district court on or before the fifth day of July each year".

**SEC. 5. Repeal.** That section sixty-nine (69) of the code be and the same is hereby repealed.

**SEC. 6. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 9, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 4.

## PRINTING AND BINDING.

S. F. 374.

AN ACT to amend section one hundred and twenty-five (125) of the supplement to the code, 1907 relating to the printing and binding of reports of financial statements of cities and towns.

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

**SECTION 1. Number of copies to be printed—number bound in cloth.** That section one hundred and twenty-five (125) supplement to the code 1907, be amended by adding after the semi-colon in line twenty-eight (28), "of the auditor's report pertaining to the financial statements of cities and towns, two thousand copies, of which five hundred copies shall be bound in cloth."

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 5.

## PRINTING.

S. F. 251.

AN ACT to amend the law as it appears in subdivision four (4) of section one hundred thirty-eight (138) of the supplement to the code 1907 and section one hundred thirty-nine (139) of the code, relating to printing.

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

**SECTION 1. House and senate bills.** That the law as it appears in subdivision four (4) of section one hundred thirty-eight (138) of the supplement to the code 1907 be amended by striking out the period (.) immediately following the word "cents" in the seventh line and inserting the following words, "for each form of four pages or less; provided that where type set for a bill in one house shall be used in printing the same bill for the other house, the number of copies ordered of said same bill shall be considered additional copies and paid for accordingly, and for re-imposing the first form of four pages or less of said same bill the sum of fifty cents shall be allowed."

**SEC. 2. Reimposing.** That section one hundred thirty-nine (139) of the code be amended by striking out the word "messages" in the twelfth line and inserting in lieu thereof the following words, "house or senate journals, messages, reports". That said section be further amended by striking out the word "form" in the fourteenth line and inserting in lieu thereof the following words: "document form or its equivalent".

Approved April 16, A. D. 1909.

## CHAPTER 6.

## CUSTODIAN OF PUBLIC BUILDINGS AND PROPERTY.

S. F. 413.

AN ACT amending sections one hundred fifty (150) and one hundred fifty-one (151) of the code, relating to the duties of the custodian of public buildings and property.

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

**SECTION 1. Record to be kept—contents—report.** That section one hundred fifty (150) of the code be amended to read as follows:

“He shall keep in his office a complete record containing an itemized list of all property of the state under his care and control, with accurate plans and surveys of the public grounds at the seat of government. He shall make a report to the governor on or before the last day of September preceding each regular session of the general assembly, which report shall cover all transactions for the preceding biennial period. He shall perform all other duties imposed by law, or order of the executive council.”

**SEC. 2. Contents of report.** Section one hundred fifty-one (151) of the code is amended to read as follows:

“Said report shall show in detail all expenditures made on account of the department of public buildings and property; an itemized statement of all money received for property sold or collections made; the condition of all real and personal property of the state under his care or control, together with a report of any loss or destruction, or injury to, any such property, with the causes thereof, and measures necessary for the care and preservation of the same, and recommendations as to methods which would tend to render the service more efficient and economical. Said report shall also embrace any other matter ordered by the executive council and shall contain an inventory of all state property under his control. All reports of the custodian shall be subscribed and sworn to by him.”

Approved April 8, A. D. 1909.

## CHAPTER 7.

## VOUCHERS AND BIENNIAL EXPENSE REPORT.

H. F. 537.

AN ACT repealing sections one hundred sixty-two (162) of the code and one hundred sixty-three-a (163-a) and one hundred sixty-three-b (163-b) of the supplement to the code, 1907, defining the character of vouchers upon which warrants shall be drawn by the auditor of state upon the state treasury and requiring a biennial report of state expenses for the several state offices, boards, commissions and institutions to be made by the executive council.

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

**SECTION 1. Repeal—duplicate itemized vouchers—where filed.** That section one hundred sixty-two (162) of the code is hereby repealed and the following enacted in lieu thereof:

“All officers of the state, members of boards or commissions, officers of state institutions and all persons drawing funds from the treasury of the state shall file with the auditor of state duplicate itemized vouchers, showing in detail the items of service, expense, things furnished or contracts upon which payment is sought before a warrant is issued upon the state treasury. Duplicate vouchers shall not be required to be filed for disbursements made on account of institutions under the management of the board of control or the

state board of education. All warrants shall be drawn in the name of the person, firm or contractor entitled to payment or compensation and in no case shall warrants be drawn in the name of the certifying office, department, board or institution or in the name of an employe of the same except for personal service rendered or expense incurred by said employe unless there be express statutory authority therefor except that when goods or material are purchased in foreign countries, warrants may be drawn upon the state treasurer, payable to bearer for net amount of invoice and current exchange, and the state treasurer shall furnish such foreign draft payable to order of person, firm or corporation from whom purchase is made. When the law permits the drawing of funds in advance of their expenditure the person or persons drawing such funds shall file the itemized vouchers above required within one hundred (100) days after the issuance of any such warrant, each voucher to show by proper reference that it was paid out of the funds drawn on the date of the issuance of the warrant before mentioned. Duplicate copies of vouchers above required to be filed with the auditor of state shall be filed by him with the executive council at the end of each month and by the executive council made available for the use of the expert accountant, named under the provisions of section 161-a of the supplement to the code, 1907."

**SEC. 2. Repeal—biennial expense report—reports by state officers—clerk—compensation.** That section one hundred sixty-three-a (163-a) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Biennially, on or before the first day of September of each year prior to the convening of the general assembly, the executive council shall cause to be compiled a complete report of the expenditures of the several state offices, boards, commissions and institutions, except those institutions under the management of the board of control, or the state board of education in such manner as will show the amount and nature of all expenditures reported; the price paid for things or commodities purchased or furnished for said departments or institutions; the rates paid as salaries or per diem with the names of the officers, clerks or employes receiving compensation or payment for expenses; a statement of supplies and paper drawn from the supply department; a statement of printing and binding done for the several departments; a statement of fees collected and the disposition made thereof by each of said offices, boards, commissions and institutions. All bills against the state of Iowa of any kind or character including personal per diem and expense accounts, now or hereafter required by law to be examined and approved by the executive council before payment is made therefor, shall be made out in duplicate and filed in the office of the secretary of the executive council. A copy of all the reports required to be filed with the several state departments, boards or commissions, by the secretary of state, under the provisions of section 120 of the supplement to the code, 1907, shall be filed with the executive council. All other data required for this report shall be reported by the several state officers, departments or institutions to the executive council at such times and in such form as the executive council may direct. For the keeping of the necessary accounts, preparing the data thus to be reported and preparing the report required, the executive council may employ a competent clerk at not to exceed three (3) dollars per day for the time actually and necessarily employed, the expense thereof to be paid from the state treasury upon verified vouchers certified by the executive council."

**SEC. 3. Repeal—biennial expense report—how published and distributed.** Section one hundred sixty-three-b (163-b) of the supplement to the code, 1907, be and is hereby repealed and the following enacted in lieu thereof:

"The report required by section two (2) of the act shall be published by the executive council in an edition of five thousand (5,000) copies, five hun-

dred (500) of which shall be bound in cloth and the balance in paper covers, and shall be distributed as follows: one copy bound in cloth and fifteen (15) copies in paper covers to each member of the general assembly; one copy bound in cloth to each state officer, member of board and commission; one copy bound in cloth to each public, free and college library in the state; ten (10) copies bound in cloth to the state library; five (5) copies bound in cloth to the state historical department; one copy bound in paper to each county auditor, treasurer, clerk of the district court, and each newspaper in the state; the remaining copies in excess of the reserve list to be distributed on order of the executive council."

**SEC. 4. In effect.** This act shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Capital, daily newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 14, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 8.

### SETTLEMENT OF STATE CLAIMS.

S. F. 45.

AN ACT providing a method for the settlement of claims and demands for money or other property held by the state against persons, partnerships, corporations or associations. [Additional to chapter seven (7) of title two (II) of the code, relating to executive council.]

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

**SECTION 1. Settlement—how effected.** Whenever, in the judgment of the attorney general, the strict enforcement by the state of a demand for money or other property against any person, partnership, corporation or joint stock association is impracticable or inequitable, he may submit to the executive council a written proposal for a compromise thereof, made by the party against whom the demand is asserted, with his opinion and advice thereon. The executive council shall thereupon consider the equities of the case, the situation and financial ability of the debtors, and the interests of the state, and determine in writing upon what terms the demand in question should be settled as against all or any of the parties thereto. Its report shall be filed with the governor, and thereupon the attorney general may adjust the claim in accordance with such determination and may execute on behalf of the state all papers necessary and proper to carry the compromise into effect, and to release from such claim any and all parties thereto who shall seasonably comply with the conditions of the settlement so authorized.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved February 24, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 25, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.



## CHAPTER 9.

## ATTORNEY GENERAL.

S. F. 131.

AN ACT to repeal sections two hundred eight (208), two hundred nine (209), and two hundred ten (210) of the code, relating to the office and duties of the attorney general, and to enact substitutes therefor.

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

**SECTION 1. Repeal.** That sections two hundred eight (208), two hundred nine (209), and two hundred ten ((210) of the code be and the same are hereby repealed, and the following enacted in lieu thereof:

**SEC. 2. Department of justice.** There shall be at the seat of government a department to be known as the department of justice, and the attorney general shall be the head thereof.

**SEC. 3. Attorney general—duties.** It shall be the duty of the attorney general:

1. *To appear for state in supreme court.* To appear for the state, prosecute and defend all causes in the supreme court in which the state is a party or interested.

2. *To appear for state in other courts.* When requested to do so by the governor, executive council, or general assembly, or when in his judgment the interests of the state require it, he shall appear for the state before any other court or tribunal, prosecute or defend all actions and proceedings, civil or criminal, in which the state may be a party or interested.

3. *To give written opinions.* When requested, he shall give his opinion in writing upon all questions of law submitted to him by the general assembly, or either house thereof, the governor, lieutenant-governor, speaker of the house, auditor, secretary of state, treasurer, superintendent of public instruction, executive council, board of control, chairman railroad commissioners, food and dairy commissioner, commissioner bureau labor statistics, adjutant general, president and secretary department of agriculture, president commission of pharmacy, state librarian, state mine inspector, secretary state board of health, state veterinary surgeon, president state board of dental examiners, state fish and game warden, and to the heads of any other state departments now existing, or hereafter created.

4. *To prepare drafts for contracts, etc.—biennial report.* He shall, when required, prepare drafts for contracts, forms and other writings which may be required for the use of the state; and shall report to the governor, preceding each general assembly, the condition of his office, opinions rendered, and business transacted of public interest.

5. *To exercise supervisory powers over county attorneys.* To exercise supervisory powers over county attorneys in all matters pertaining to the duties of their offices, and from time to time require of them reports as to the condition of public business entrusted to their charge.

6. *To appear for state officers.* To prosecute or defend all actions and proceedings brought by or against any state officer in his official capacity.

7. *To account for money received.* To promptly account for all moneys received by him belonging to the people of the state, or received in his official capacity, and pay the same into the state treasury.

8. *To keep record of opinions and register of actions.* To keep, in proper books, a record of all official opinions, and a register of all actions prosecuted and defended by him, and of all proceedings had in relation thereto, which books shall be delivered to his successor.

9. *To perform other duties.* To perform all such other and further duties as are now, or may hereafter be enjoined upon him by law.

**SEC. 4. Special counsel.** No compensation shall hereafter be allowed to any person for services as an attorney or counselor to any department of the state government, or the heads thereof, or to any state boards or commissions, except in cases specially authorized by law, and then only on the certificate of the attorney general that such services were actually rendered, and that the same could not be performed by the officers of the department of justice, provided, however, that in any case where the attorney general is an interested party, the executive council may employ special counsel and audit and pay a reasonable compensation for legal services rendered by him.

**SEC. 5. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 10.

### SCHEDULE OF TIMES OF HOLDING TERMS OF COURT.

S. F. 65.

AN ACT to repeal the law as it appears in section two hundred thirty-two (232) of the supplement to the code, 1907, and enact a substitute therefor, relating to the schedule of times of holding terms of court.

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

**SECTION 1. Repeal — judges to prepare schedule — printing — distribution.** That the law as it appears in section two hundred thirty-two (232) of the supplement to the code 1907 be repealed and the following enacted in lieu thereof:

“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 court when they cannot agree, shall be forthwith forwarded by the district judges to the secretary of state and the clerk of the district court in each county in such district, and the clerk shall file the same and enter it of record in the journal of the court. The secretary of state shall, within ten days after receiving said orders, or before the first Monday in December after said orders are made, prepare a tabular statement of the times of holding the several courts, as fixed by the several orders in his office, and have printed five thousand copies thereof, which shall be distributed as follows: One copy to each state officer, each county auditor and sheriff, two copies to each judge of the district and superior courts, ten copies each to the state library, the library of the law department of the state university, and the state historical society, thirty-five hundred copies to the clerks of the district court, in proportion to the population of the county, for gratuitous distribution among the attorneys of the county, and the residue for free distribution under the supervision of the secretary of state. In preparing said plan or schedule, the judges 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.”

Approved February 10, A. D. 1909.

## CHAPTER 11.

## ASSIGNMENT OF JUDGES OF DISTRICT COURT.

S. F. 278.

AN ACT in relation to holding district courts and the assignment of judges therefor.  
 [Additional to chapter five (5) of title three (III) of the code, relating to the district court.]

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

**SECTION 1. Chief justice to assign judges in certain districts.** That in any judicial district of the state of Iowa composed wholly of one county and having but one judge therein the chief justice of the supreme court shall assign one judge from some of the other judicial districts to hold not less than two terms of court, each year, at each place where the district court is held within such district, and the judge of such district shall be assigned by the chief justice of the supreme court to some other district to hold therein not less than two terms of court in each year, said assignments to be made at such times as the chief justice of the supreme court may deem best. But this act shall in no wise affect any statute now in force, except as herein modified.

Approved April 12, A. D. 1909.

## CHAPTER 12.

## COMPENSATION OF SHORTHAND REPORTERS.

S. F. 51.

AN ACT to amend the law as it appears in section two hundred and fifty-four-a-two (254-a-2) of the supplement to the code, 1907, relating to the compensation of shorthand reporters.

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

**SECTION 1. Shorthand reporter—compensation.** That the law as it appears in section two hundred and fifty-four-a2 (254-a2) of the supplement to the code, 1907, be and the same is hereby amended by striking out the words and figures "six (\$6.00) dollars" in the second line thereof and inserting in lieu thereof the words and figures "eight (\$8.00) dollars" and by striking out the word "six" in the fifteenth line thereof, and inserting in lieu thereof the word "eight"; and that said section be further amended by adding after the word "reporter" in the fifth line of said section the words "and his substitute". And by inserting after the figures (\$1,200.00) in the sixth line of said section the words: "when such reporter has been engaged in court one hundred and twenty-five days or less per year or sixteen hundred (\$1,600.00) dollars where such reporter has been engaged in court more than one hundred and twenty-five days".

Approved April 8, A. D. 1909.

## CHAPTER 13.

## JUVENILE COURTS, DETENTION HOMES AND SCHOOLS.

S. F. 179.

AN ACT to amend the law as it appears in sections two hundred fifty-four-a thirteen (254-a13), two hundred fifty-four-a fourteen (254-a14), two hundred fifty-four-a fifteen (254-a15), two hundred fifty-four-a sixteen (254-a16), two hundred fifty-four-a seventeen (254-a17), two hundred fifty-four-a eighteen (254-a18), two hundred fifty-four-a nineteen (254-a19), two hundred fifty-four-a twenty (254-a20), two hundred fifty-four-a twenty-one (254-a21), two hundred fifty-four-a twenty-two (254-a22), two hundred fifty-four-a twenty-three (254-a23), two hundred fifty-four-a twenty-four (254-a24), two hundred fifty-four-a twenty-five (254-a25), two hundred fifty-four-a twenty-six (254-a26), two hundred fifty-four-a twenty-seven (254-a27), two hundred fifty-four-a twenty-eight (254-a28), two hundred fifty-four-a twenty-nine (254-a29), and two hundred fifty-four-a thirty (254-a30) of the supplement to the code, 1907, relating to juvenile courts, detention homes and schools, and conferring concurrent jurisdiction upon superior courts with district courts, of proceedings brought under said sections.

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

**SECTION 1. Jurisdiction.** The law as it appears in section two hundred fifty-four-a thirteen (254-a 13) of the supplement to the code, 1907, is hereby amended by striking out the word "is" in the second line of said section and inserting in lieu thereof, "and superior courts are"; and said section is further amended by adding the letter "s" to the word "court" in the fourth line of said section; and also by adding the letter "s" to the word "court" in the sixth line.

**SEC. 2. Superior court to have concurrent jurisdiction.** The superior court of any city shall have concurrent jurisdiction with the district court of the county in which said superior court is located, of all cases brought under the provisions of sections two hundred fifty-four-a thirteen (254-a 13), two hundred fifty-four-a fourteen (254-a 14), two hundred fifty-four-a fifteen (254-a 15), two hundred fifty-four-a sixteen (254-a 16), two hundred fifty-four-a seventeen (254-a 17), two hundred fifty-four-a eighteen (254-a 18), two hundred fifty-four-a nineteen (254-a 19), two hundred fifty-four-a twenty (254-a 20), two hundred fifty-four-a twenty-one (254-a 21), two hundred fifty-four-a twenty-two (254-a 22), two hundred fifty-four-a twenty-three (254-a 23), two hundred fifty-four-a twenty-four (254-a 24), two hundred fifty-four-a twenty-five (254-a 25), two hundred fifty-four-a twenty-six (254-a 26), two hundred fifty-four-a twenty-seven (254-a 27), two hundred fifty-four-a twenty-eight (254-a 28), two hundred fifty-four-a twenty-nine (254-a 29), two hundred fifty-four-a thirty (254-a 30) of the supplement to the code, 1907; the superior courts shall have and possess all the powers conferred by said sections upon the district court and shall proceed in like manner, except that a jury trial in the superior court shall be had before a jury of six members.

**SEC. 3. Probation officer.** The probation officers appointed by the district court under section two hundred fifty-four-a eighteen (254-a 18) of the supplement to the code, 1907, shall also act as the probation officers of the superior court, where such superior court is located at the county seat. Where the superior court is located in a city other than the county seat and in a county having a population of more than fifty thousand, the judge of such court may appoint a person of good moral character and special fitness to serve as probation officer during the pleasure of the court and such probation officer shall have the same powers as those conferred upon probation officers under the provisions of section two hundred fifty-four-a eighteen (254-a 18) of the supplement to the code, 1907, and the compensation of such officer shall be fixed as provided by the terms of said section.

Approved April 27, A. D. 1909.

## CHAPTER 14.

## CONTRIBUTORY DEPENDENCY.

S. F. 344.

AN ACT defining contributory dependency, fixing proceedings in regard thereto, providing for probation of parties guilty thereof subject to such orders as are calculated to remove such contributory dependency and providing for the enforcement of such orders, also providing for a finding of abandonment and for adoption upon such finding, determining the rights of children thus adopted and providing for punishment for enticing away and interfering with children legally placed into institutions and homes; to be additional to chapter five-b (5-b) of title three (III) of the supplement to the code, 1907, and repealing section four thousand seven hundred sixty-one (4761) of the code.

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

**SECTION 1. Contributory dependency defined.** When any child is found to be dependent or neglected, as defined by section 254-a 14 of the 1907 supplement of the code, the parent, parents, person or other person or persons having the care, custody, or control of such child, or any other person or persons who shall by any act or omission of duty encourage, counsel, or contribute to, the neglect of such child, or who, by reason of wilful neglect of any duty owing by said parent or parents, person or persons to such child, is or are responsible for its neglect or dependency, shall be guilty of contributory dependency, and proceeded against as provided herein.

**SEC. 2. Jurisdiction—proceedings—enforcement of decrees.** The district court shall have original and exclusive jurisdiction to hear and determine all cases coming within the purview of this act and the proceedings hereunder shall be as in equity and may be included with and be a part of the proceedings in behalf of the child and the court may enforce obedience to its orders in any way in which a court of equity may enforce its orders or decrees.

**SEC. 3. Decree—probation bond.** Whenever the court upon hearing finds a person guilty of contributory dependency, the court may enter a judgment determining such facts and requiring such person to do or to omit to do any act or acts complained of in the petition; and for the purpose of enforcing its judgment the court, in its discretion may continue the proceedings from time to time and release such person on probation during the period of two years. The court may further, in its discretion, as part of its judgment require such person to enter into a bond to the state of Iowa, with or without surety, in such sum as the court may direct, to comply with the orders of the court.

**SEC. 4. Time for bond—enforcement.** If the judgment of the court be that the person proceeded against shall execute bonds as provided herein such bond shall be executed within such time as the court may fix; of [if] the person proceeded against should fail within the time fixed to execute such bond, the court shall commit such person to jail, there to remain until he shall give bond or perform the judgment of the court.

**SEC. 5. Proceeding on bond—disposition of sum recovered.** If the court be satisfied by information or evidence on oath, that at any time during the two years the person proceeded against has violated the terms of the court's order or the terms of said bond, the court may direct the county attorney to institute proceedings on said bond in any court having jurisdiction of the sum fixed in said bond, the sum so recovered on such bond shall be turned over to the chief probation officer to be by him safely kept and expended for the care and maintenance of such child under the direction and discretion of the court.

**SEC. 6. Guardian appointed.** In case any person found guilty of contributory dependency shall be found to be a spendthrift who is squandering his property or an habitual drunkard, incapable of managing his affairs, the court

shall of its own motion or on application, appoint a guardian as provided by statute who shall, also have the duty to see that such person is employed as much as possible.

**SEC. 7. Employment.** In case the contributory dependency shall in whole or in part consist in the failure of such person to work when he is physically and mentally able to do so and defendant claims that he cannot find work then the court may appoint some person to find suitable employment for such person, and, if he fails and refuses to work at such employment without reasonable excuse after it has been approved by the court he shall be guilty of contempt and be dealt with accordingly. It shall be the duty of the board of supervisors and of the cities of such counties, whether they be under special charter or not to give preference and precedence to such persons upon the application of such appointee for such work as such counties or cities may have, in case such appointee, after reasonable effort to the satisfaction of the court can find no other work elsewhere. In case defendant claims that he can find work and he does not go to work within a reasonable time to be fixed by the court he shall be guilty of contempt. This statute shall not be interpreted as allowing involuntary servitude but it shall be liberally construed as punishing the party affected as for contempt in case he does not do his parental duty and support his children as the law contemplates that he should do, after he has been ordered by the court to do so and efforts have been made to aid him in so doing. Any person who is able to properly support his children without labor shall not come within the contemplation of this statute. Section 4775a of the supplement to the code is not hereby repealed and the court in its discretion may order prosecution under that statute as provided in section 10 hereof. The costs of such probation including the compensation and expenses of such appointee shall be fixed, taxed, and paid as provided in the next succeeding section.

**SEC. 8. Habitual drunkenness.** In every case where the contributory dependency consists in whole or in part of habitual drunkenness it shall be the duty of the court to commit such person guilty thereof to the state hospital for inebriates, at Knoxville, or to such other hospital for the cure of inebriates as the state may furnish, and, after his release therefrom, the court shall put him into the care of some person duly appointed as special probation officer who shall aid and assist him toward reform and shall see that he is properly employed. Such probation shall terminate at the end of two years from and after the time of commitment as herein provided, and the provisions in regard to abandonment as set forth in section 12 hereof shall apply. The court shall render a judgment against defendant for the cost of treatment at such hospital for inebriates and the costs of suit and may, in a proper case, allow him to pay the same in such installments as the court may fix during the period of his probation, the county of his residence to pay the same in the first instance. Such special probation officer shall have such compensation as the court may allow which shall be taxed as costs of the case.

**SEC. 9. No exemptions—order of court as execution.** In case no guardian is appointed and the person found guilty of contributory dependency fails to apply a sufficient sum for the benefit of his family and it be deemed necessary by the court to levy upon any of his property, including wages, for the benefit of the family, he shall not have the benefit of any exemptions as provided by statute except such as are provided for an unmarried person. In such cases nothing further shall be necessary than the service of a copy of the order of the court which shall serve the purposes of an execution and it may also take the place of a notice of garnishment and any property belonging to or debt owing such person shall be paid into court on or before a time to be fixed by the court to be expended in such manner as the court may direct and in case the person so garnished fails to turn over as herein provided or there is any

dispute in regard to the matter such person may be summoned to appear before the court out of which the order issued at a time for hearing to be fixed by the court and a hearing may be had and judgment entered as may be proper in the premises. The principal defendant shall be given such notice of the proceedings as the court may direct.

**SEC. 10. Criminal proceedings not prevented.** Nothing in this act shall be construed to be in conflict with, or to prevent proceedings under any statute of the state against any person for the commission of any act for which such person may be proceeded against as provided herein and upon the hearing of any case herein the court in its discretion may order and direct the county attorney to take any and all needful steps to prosecute such person in accordance with the laws of the state concerning the commission of crimes.

**SEC. 11. Disposition of child during probation of adult.** When children are allowed to remain in the custody of such person as is found guilty of contributory dependency the court may prescribe such conditions as seem most calculated to remove the cause of such dependency and neglect and in case the court deems it for the best interests of the child to remove it from its home until the conditions of the probation have been complied with and the court is satisfied that such compliance will continue then the court may place the same in the care and custody of the juvenile detention home, wherever such is authorized, or of such other suitable institution provided for by the juvenile court to act for such time during minority, as the court may deem fit, and the court at any time thereafter may set aside, change, or modify such order.

**SEC. 12. Abandonment.** A person guilty of contributory dependency shall fully comply with all of the orders of the court within such time as the court may fix to be not more than one (1) year and shall continue to comply with such order thereafter for such period as will make the full term of two years from and after the judgment establishing contributory dependency and, in case he fails to do so, the court may, in its discretion, declare the child or children whose parent he is, to be abandoned children, and, in case any person who has been adjudged guilty of contributory dependency and who has been ordered to pay for the support of such child departs from the jurisdiction of the court rendering such judgment and allows such support to remain unpaid for six months without excuse satisfactory to such court such child or children whose support he has been ordered to pay may in the discretion of the court by [be] adjudged to be abandoned, the making of such payments shall not prevent the finding and judgment of abandonment after two years in case there are other orders of court which have not been complied with as hereinbefore provided. In case both parents are living and neither one has been relieved of its duty and both are guilty of contributory dependency both shall be proceeded against at the same time.

**SEC. 13. Disposal of abandoned children—adoption.** In case at the end of two years a child is declared to be abandoned by both of its parents as provided by the preceding section the court may order the clerk of the district court to sign papers for its adoption or it may be turned over to some home finding association, approved by the board of control, or to the soldiers' orphans' home at Davenport, Iowa, with power to adopt such child out and to execute papers of adoption.

**SEC. 14. Inheritance.** Any adoption as provided by preceding section shall not prevent or cut off any inheritance he might be entitled to from his rightful or adoptive parents adjudged guilty of contributory dependency as hereinbefore provided in accordance with the laws of descent of this state; such inheritance to be in addition to that to which he may be entitled by virtue of the adoption hereunder and no will to the contrary shall be valid.

**SEC. 15. General.** In every cause in the juvenile court the court shall investigate whether every person responsible for the care, custody, maintenance, education, medical treatment and discipline of the child or children involved is doing his full duty by such child or children and, in case the court finds that the parents, or other persons in loco parentis are not doing their duties the court shall try all lawful and proper means under this act to make them do so, giving them aid and assistance in case it be deemed necessary. The court may declare a child abandoned by one parent while it may not be by the other. In case the parents are divorced and the one having the custody is adjudged to have abandoned the child then the ability and propriety of the other parent shall be considered.

**SEC. 16. Enticing away child—penalty.** If any person lead, take, decoy or entice away any child placed in any family home or institution as provided by law, from such family home or institution having the lawful charge thereof or shall interfere in any way with the peaceful possession and control of such child by such family or institution, he shall be imprisoned in the penitentiary not more than ten (10) years, or be fined not exceeding one thousand dollars (\$1000.00) or punished by both such fine and imprisonment, and section four thousand seven hundred and sixty-one (4761) of the code is hereby repealed.

**SEC. 17. Liberally construed.** This act shall be liberally construed in favor of the state for the purpose of the protection of the child from neglect, or omission of parental duty toward the child by its parents, or other persons standing in loco parentis, and further to protect the child from the effects of the improper conduct or acts of any person which may cause, encourage or contribute to the dependency and neglect of such child, although such person is in no way related to such child.

Approved April 15, A. D. 1909.

## CHAPTER 15.

### SUPERIOR COURTS.

H. F. 440.

AN ACT to amend section two hundred sixty (260) of the code relating to superior courts.

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

**SECTION 1. Jurisdiction over inebriates or dipsomaniacs.** That section two hundred sixty (260) of the code be and the same is hereby amended by adding thereto the following:

“Superior courts shall have original concurrent jurisdiction with the district courts of the state of Iowa in all matters pertaining to the detention and treatment of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics, as provided in title XII, chapter 2-a of the supplement to the code, 1907, and the same proceeding shall be held so far as applicable. Wherever the words ‘district judge,’ ‘district court’ or ‘judge of the district court’ appear in title XII, chapter 2-a the same shall be construed to apply to the superior courts or the judge thereof to the same extent that the same applies to the district court or the judge thereof.”

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 19, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.



## CHAPTER 16.

## COMPENSATION OF DEPUTY CLERKS OF THE DISTRICT COURT.

H. F. 305.

AN ACT to amend the law as it appears in section two hundred ninety-eight (298) of the supplement to the code, 1907, relating to compensation of clerks of the district court and their deputies.

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

**SECTION 1. Compensation in certain counties.** That section two hundred ninety-eight (298) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word "and" in the thirteenth (13) line thereof and by inserting after the period after the word "dollars" in the sixteenth (16) line thereof the following: "And in counties having a population exceeding sixty-five thousand (65,000) one or more deputy clerks may be employed, whose compensation shall not exceed eight thousand dollars (\$8,000.00)."

Approved April 15, A. D. 1909.

## CHAPTER 17.

## DUTIES OF COUNTY ATTORNEY.

S. F. 6.

AN ACT to repeal sections three hundred one (301), three hundred two (302), three hundred six (306) and three hundred seven (307) of the code, and to enact a substitute therefor, relating to the duties of the county attorney.

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

**SECTION 1. Repeal.** That sections three hundred one (301), three hundred two (302), three hundred six (306) and three hundred seven (307) of the code be, and the same are hereby, repealed, and the following enacted in lieu thereof:

**Sec. 2. Duties of county attorney.** It shall be the duty of the county attorney:

1. *To enforce laws.* To diligently enforce, or cause to be enforced in his county, all of the laws of the state, actions for a violation of which may be commenced or prosecuted in the name of the state of Iowa, or by him as county attorney, except such laws, the enforcement of which is exclusively enjoined upon others by statute.

2. *To appear for state and county.* To appear for the state and county in all cases and proceedings in the courts of his county, to which the state or county is a party, and in the supreme court in all cases in which the county is a party.

3. *To prosecute preliminary hearings in justice court.* To appear and prosecute all preliminary hearings before justices of the peace upon charges triable upon indictment.

4. *To prosecute misdemeanors in justice court.* To appear and prosecute misdemeanors before justices of the peace whenever he is not otherwise engaged in the performance of official duties.

5. *To enforce forfeited bonds, etc.* To enforce all forfeited bonds and recognizances, and to prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the state or his county, or to any school district or road district in his county; also to

prosecute all suits in his county against public service corporations which are brought in the name of the state of Iowa.

6. *To appear for county officers.* To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.

7. *To give opinions.* To give advice or his opinion in writing, without compensation, to the board of supervisors and other county officers when requested so to do by such board or officer, upon all matters in which the state or county is interested, or relating to the duty of the board or officer in which the state or county may have an interest; but he shall not appear before the board of supervisors upon any hearing in which the state or county is not interested, or in applications to establish, vacate or alter highways.

8. *To attend the grand jury.* To attend the grand jury whenever necessary for the purpose of examining witnesses before it, or of giving it legal advice, or to procure subpoenas or other process for witnesses, to prepare all bills of indictment; but he must not be present when an indictment is considered or found.

9. *To give receipts for money received.* To give a receipt to all persons from whom he shall receive money in his official capacity, and file a duplicate thereof with the county auditor.

10. *To notify attorney general of appeals—to prepare abstract.* To promptly notify the attorney general of every criminal case appealed from his county to the supreme court, and when the appeal is taken by the state, at least forty (40) days prior to the term at which the cause is to be heard, prepare and deliver to the attorney general a typewritten manuscript of the abstract of the case; and when the appeal is taken by the defendant, he shall prepare and deliver to the attorney general when necessary a typewritten manuscript of the amended abstract of the case in ample time to have the same printed and filed within the time prescribed by the rules of the supreme court; said manuscript of the abstract or amended abstract shall be in the form and manner prescribed by law, and the rules of the supreme court.

11. *To make report to governor or attorney general.* To make reports relating to the duties and the administration of his office to the governor or the attorney general whenever called upon by the governor or the attorney general so to do.

12. *To perform other duties.* To perform such other and further duties as are now or may hereafter be enjoined upon him by law.

Approved March 19, A. D. 1909.

## CHAPTER 18.

### COMPENSATION OF COUNTY ATTORNEYS.

S. F. 102.

AN ACT to amend the law as it appears in section three hundred and eight (308) of the supplement to the code, 1907, relating to the compensation of county attorneys.

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

**SECTION 1. Compensation in certain counties.** The law as it appears in section three hundred and eight (308) of the supplement to the code, 1907, is hereby amended by adding to said section the following: "In counties where the district court is held at two places in the county, the board of supervisors may allow to the county attorney, in addition to the salary above provided, a sum not to exceed two hundred and fifty dollars (\$250.00);".

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved February 23, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 24, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

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## CHAPTER 19.

### PERSONS EXEMPT FROM JURY DUTY.

S. F. 12.

AN ACT to amend section three hundred and thirty-three (333) of the code relating to persons exempt from liability to act as jurors.

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

SECTION 1. **Dentists.** That section three hundred and thirty-three (333) of the code be amended by inserting the word "dentists" between the words "pharmacists" and "and" in the fourth line of said section.

Approved February 2, A. D. 1909.

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## CHAPTER 20.

### SELECTION OF JURY LISTS.

S. F. 361.

AN ACT to amend section three hundred thirty-five (335) of the code relating to the selection of persons to serve as petit and grand jurors and talesmen.

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

SECTION 1. **Lists to be made biennially.** That section three hundred thirty-five (335) of the code be amended by striking therefrom all the words and punctuation marks from the beginning thereof down to and including the word "talesmen" in the tenth line and inserting in lieu thereof the following:

"At the time of holding the general election in A. D. 1910 and biennially thereafter lists shall be made from which to select persons to serve as grand and petit jurors and talesmen for the year commencing on the first day of January next following and for the year commencing on the first day of the second January next following, as follows: Two hundred persons in each county from which to select grand jurors, the number equal to one-tenth of the inhabitants of the county as shown by the last preceding official census from which to select petit jurors, and three hundred persons in counties having twenty thousand inhabitants or less, and six hundred persons in counties having more than twenty thousand inhabitants from which to select talesmen. No person on the list of petit or grand jurors shall be eligible to serve on more than one jury panel during the biennial period for which the list is made."

Approved April 16, A. D. 1909.

## CHAPTER 21.

## SELECTION OF JURY LISTS.

H. F. 373.

AN ACT to amend section three hundred thirty-seven (337) of the supplement to the code, 1907, relating to the selection of jury lists.

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

**SECTION 1. Names of judges and clerks of election omitted.** That section three hundred thirty-seven (337) of the supplement to the code, 1907, be and the same is hereby amended by inserting between the word "preceding" and the period following said word in the twenty-first line thereof the following: "And shall also omit the name of any person who has served as judge or clerk of the general election in the year in which said jury list is prepared", and by inserting between the comma as it appears the second time in line twenty-four and the word "shall" following said comma, the following: "or has served as such judge or clerk of election as herein stated", and by inserting between the word "thereon" and the period following said word in the twenty-eighth line thereof, the following: "and that it does not contain the name of any one who served as judge or clerk of the general election in the year in which the list is prepared."

Approved April 8, A. D. 1909.

## CHAPTER 22.

## SELECTION OF JURY LISTS.

H. F. 98.

AN ACT to repeal the law as it now appears in section three hundred thirty-seven-d (337-d) of the supplement to the code, 1907, relating to the time and manner of selecting jury lists, and to enact a substitute therefor.

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

**SECTION 1. Repeal—names selected—lists certified—filed with county auditor.** That section three hundred thirty-seven-d (337-d) of the supplement to the code, 1907, be, and the same is hereby, repealed and the following enacted in lieu thereof:

"In preparing such lists the board of supervisors shall select the names from the qualified electors from the several precincts as shown by the poll lists of the last preceding general election, selecting for grand jury, petit jury and talesmen lists, the number in each precinct shown by the auditor's apportionment provided for in this act. Such lists shall be separately certified by the board of supervisors, in substance and in form, as election officers are now required to certify lists returned by them and the lists shall be filed with the county auditor and recorded by him in the proper record, and shall stand as the regular jury list for the county for the year for which it is selected and shall be used therefor and juries chosen therefrom, in all respects except as to time of selection of list and panel and summoning of the jurors, as is now provided by law; the time of selection of list and panel and summoning of the jurors to be under the order of the court."

Approved March 12, A. D. 1909.

## CHAPTER 23.

## FEES OF JURORS.

H. F. 179.

AN ACT to repeal section three hundred fifty-four (354) of the supplement to the code, 1907, relating to the fees of jurors, and enacting a substitute therefor.

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

**SECTION 1. Repeal—fees of jurors.** That section three hundred fifty-four (354) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

“Jurors shall receive the following fees:

For each day’s service or attendance in courts of record including jurors summoned on special venire, two dollars and fifty cents (\$2.50), and for each mile traveled from his residence to the place of trial, ten cents;

For each day’s service before a justice of the peace, one dollar.

No mileage shall be allowed talesmen or jurors before justices. Immediately after the adjournment of each term of a court of record, the clerk thereof shall certify to the county auditor a list of the jurors, with the number of days’ attendance to which each one is entitled.”

Approved February 23, A. D. 1909.

## CHAPTER 24.

## QUALIFICATION OF SURETIES.

H. F. 427.

AN ACT to amend the law as it appears in section three hundred fifty-eight (358) of the code relating to qualification of sureties on certain official bonds.

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

**SECTION 1. Attorneys not acceptable as sureties.** That the law as it appears in section three hundred fifty-eight (358) of the code of Iowa, be, and the same is hereby, amended by adding thereto after the period in the last line the following: “Attorneys at law shall not be accepted as sureties upon any official bonds provided for in this section. Whenever the board of supervisors of any county shall have knowledge that any attorney at law is surety upon any official bond, above referred to, it shall require said officer to forthwith file a new bond. But nothing herein shall exempt such person from any liability upon the bond signed by him.”

Approved April 8, A. D. 1909.

## CHAPTER 25.

## BONDS BY GUARANTEE COMPANIES.

H. F. 44.

AN ACT to amend section three hundred and sixty (360) of the code, relating to bonds by guarantee companies.

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

**SECTION 1. Premiums paid out of trust funds.** Section three hundred and sixty (360) of the code is hereby amended by striking from line ten thereof the period following the word “code” and adding thereto the following:

“And the premium for any such guaranty or surety company bond as defined in this section, may, by the approval of the court be paid out of the trust funds in the hands of the party of whom the bond is required.”

Approved March 18, A. D. 1909.

## CHAPTER 26.

### COUNTY HOSPITALS.

S. F. 166.

AN ACT to enable counties to establish and maintain public hospitals, levy a tax and issue bonds therefor, elect hospital trustees, maintain training schools for nurses, provide suitable means for the care of tuberculous persons, and to make possible the ultimate establishment of an adequate supply of hospitals with equal rights to all and special privileges to none. [Additional to chapter one (1) of title four (IV) of the code, relating to counties.]

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

**SECTION 1. County hospital—how established.** Any county may establish a public hospital in the following manner: Whenever the board of supervisors of any county shall be presented with a petition signed by two hundred (200) resident freeholders of such county, one hundred and fifty (150) of whom shall not be residents of the city, town, or village where it is proposed to locate such public hospital, asking that an annual tax may be levied for the establishment and maintenance of a public hospital at a place in the county named therein, and shall specify in their petition the maximum amount of money proposed to be expended in purchasing or building said hospital, such board of supervisors shall submit the question to the qualified electors of the county at the next general election to be held in the county, or at a special election called for that purpose, first giving ninety days' notice thereof in one or more newspapers published in the county, if any be published therein, and by posting such notice, written or printed, in each township of the county, which notice shall include the text of the petition and state the amount of tax to be levied upon the assessed property of the said county, which tax shall not exceed two (2) mills on the dollar, for a period of time not exceeding twenty (20) years and be for the issue of county bonds to provide funds for the purchase of a site or sites and the erection thereon of a public hospital, and hospital buildings; and for the support of same; which said election shall be held at the usual places in such county for electing county officers, the vote to be canvassed in the same manner as that for county officers.

**SEC. 2. Question submitted—hospital fund.** The board of supervisors of such county shall submit to the qualified electors thereof, at a regular or special election, the question whether there shall be levied upon the assessed property of such county a tax of . . . . . mills on the dollar for the purchase of real estate for hospital purposes, for the construction of hospital buildings, and for maintaining same, or for either or all of such purposes. The ballots to be used at any election at which the hospital question is submitted, shall be printed with a statement substantially as follows:

|                          |     |   |
|--------------------------|-----|---|
| <input type="checkbox"/> | yes | For a . . . . . mill tax for a bond issue for a public hospital |
| <input type="checkbox"/> | no  | and for maintenance of same.                                    |

If a majority of the votes cast at such election on the proposition so submitted shall be in favor of a . . . . . mill tax for a bond issue for a public hos-

pital and for maintenance of same, the board of supervisors shall levy the tax so authorized, which shall be collected in the same manner as other taxes are collected and credited to the "hospital fund," and shall be paid out on the order of the hospital trustees for the purposes authorized by this act and for no other purposes whatever.

**SEC. 3. Hospital trustees—appointment—election—terms.** Should a majority of all the votes cast upon the question be in favor of establishing such county public hospital, the board of supervisors shall proceed at once to appoint seven (7) trustees chosen from the citizens at large with reference to their fitness for such office, three (3) of whom may be women, all residents of the county, not more than four (4) of said trustees to be residents of the city, town, or village in which said hospital is to be located who shall constitute a board of trustees for said public hospital. The said trustees shall hold their offices until the next following general election, when seven (7) hospital trustees shall be elected and hold their offices, two (2) for two (2) years, two (2) for four (4) years, three (3) for (6) years, and who shall by lot determine their respective terms. At each subsequent general election the offices of the trustees whose terms of office are about to expire shall be filled by the nomination and election of hospital trustees in the same manner as other officers are elected, none of whom shall be practicing physicians.

**SEC. 4. Hospital board—organization—powers and duties.** The said trustees shall within ten days after their appointment or election qualify by taking the oath of civil officers and organize as a board of hospital trustees by the election of one of their number as chairman, one as secretary, and by the election of such other officer as they may deem necessary, but no bond shall be required of them. The county treasurer of the county in which such hospital is located shall be treasurer of the board of trustees. The treasurer shall receive and pay out all the moneys under the control of the said board, as ordered by it, but shall receive no compensation from such board. No trustee shall receive any compensation for his services performed, but he may receive reimbursement for any cash expenditures actually made for personal expenses incurred as such trustee, and an itemized statement of all such expenses and money paid out shall be made under oath by each of such trustees and filed with the secretary and allowed only by the affirmative vote of all the trustees present at a meeting of the board. The board of hospital trustees shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital as may be deemed expedient for the economic and equitable conduct thereof, not inconsistent with this act and the ordinances of the city or town wherein such public hospital is located. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the hospital fund, and of the purchase of site or sites the purchase or construction of any hospital building or buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose, provided, that all moneys received for such hospital shall be deposited in the treasury of the county to the credit of the hospital fund, and paid out only upon warrants drawn by the auditor of said county upon the properly authenticated vouchers of the hospital board. Said board of hospital trustees shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of this act in establishing and maintaining a county public hospital with equal rights to all and special privileges to none. Such board of hospital trustees shall hold meetings at least once each month, shall keep a complete record of all its proceedings; and four (4) members of said board shall constitute a quorum for the transaction of business. One of said trustees shall visit and examine said hospital at least

twice each month and the board shall during the first week in January of each year file with the board of supervisors of said county a report of their proceedings with reference to such hospital and a statement of all receipts and expenditures during the year; and shall at such time certify the amount necessary to maintain and improve said hospital for the ensuing year. No trustee shall have a personal pecuniary interest either directly or indirectly in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding.

**SEC. 5. Vacancies—how filled.** Vacancies in the board of trustees occasioned by removals, resignations or otherwise shall be reported to the board of supervisors and be filled in like manner as original appointments, appointees to hold office until the next following general election, when such vacancy shall be filled by election in the usual manner.

**SEC. 6. Bonds.** Whenever any county in this state shall have provided for the appointment and election of hospital trustees and has voted a tax for a term not exceeding twenty (20) years for hospital purposes, as authorized by law, the said county may issue bonds in anticipation of the collection of such tax in such sums and amounts as the board of hospital trustees shall certify to the board of supervisors of said county to be necessary for the purposes contemplated by such tax, but such bonds in the aggregate shall not exceed the amount which might be realized by said tax based on the amount which may be yielded on the property valuation of the year in which the tax is voted, and such bonds shall mature in twenty (20) years from date and shall be in sums of not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars drawing interest at a rate not exceeding five (5) per cent per annum, payable annually or semi-annually; said bonds shall be payable at pleasure of county after five (5) years, and each of said bonds shall provide that it is subject to this condition and shall not be sold for less than par, and shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the provisions of this act, and be numbered consecutively and redeemable in the order of their issuance. For the negotiation of said bonds, their constitutionality, levy to pay interest and principal, and redemption, sections four hundred three (403), four hundred four (404) to four hundred nine (409) inclusive, of chapter one (1), title four (IV) of the code shall apply. Provided the total amount of bonds to be issued shall not exceed one hundred thousand dollars (\$100,000.00).

**SEC. 7. Condemnation proceedings.** If the board of hospital trustees and the owners of any property desired by them for hospital purposes cannot agree as to the price to be paid therefor they shall report the facts to the board of supervisors and condemnation proceedings shall be instituted by the board of supervisors and prosecuted in the name of the county wherein such public hospital is to be located, by the county attorney for such county under the provisions of chapter four (4) of title ten (X) of the code.

**SEC. 8. Plans and specifications.** No hospital buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board of hospital trustees, and bids advertised for according to law for other county public buildings.

**SEC. 9. Jurisdiction over hospital grounds.** The jurisdiction of the city, town, or village in or near which such public hospital is located, shall extend over all lands used for hospital purposes outside the corporate limits if so located, and all ordinances of such cities and towns shall be in full force and effect in and over the territory occupied by such public hospital.

**SEC. 10. Appropriation for improvement and maintenance.** In counties exercising the rights conferred by this act the board of supervisors may appropriate each year in addition to tax for hospital fund hereinbefore provided



for not exceeding five (5) per cent of its general fund for the improvement and maintenance of any public hospital so established.

**SEC. 11. Who entitled to hospital benefits—compensation for care of patients.** Every hospital established under this act shall be for the benefit of the inhabitants of such county and of any person falling sick or being injured or maimed within its limits; but every such inhabitant or person who is not a pauper shall pay to such board of hospital trustees or such officer as it shall designate for such county public hospital, a reasonable compensation for occupancy, nursing, care, medicine, or attendants, according to the rules and regulations prescribed by said board, such hospital always being subject to such reasonable rules and regulations as said board may adopt in order to render the use of said hospital of the greatest benefit to the greatest number; and said board may exclude from the use of such hospital any and all inhabitants and persons who shall wilfully violate such rules and regulations. And said board may extend the privileges and use of such hospital to persons residing outside of such county, upon such terms and conditions as said board may from time to time by its rules and regulations prescribe.

**SEC. 12. Physicians, nurses, attendants and patients subject to rules.** When such hospital is established the physicians, nurses, attendants, the persons sick therein and all persons approaching or coming within the limits of same, and all furniture and other articles used or brought there shall be subject to such rules and regulations as said board may prescribe.

**SEC. 13. Gifts or bequests.** Any person or persons, firm, organization, corporation or society desiring to make donations of money, personal property or real estate for the benefit of such hospital, shall have the right to vest title of the money or real estate so donated in said county, to be controlled, when accepted, by the board of hospital trustees according to the terms of the deed, gift, devise, or bequest, of such property.

**SEC. 14. No discrimination against legal practitioners of medicine.** In the management of such public hospital no discrimination shall be made against practitioners of any school of medicine recognized by the laws of Iowa, and all such legal practitioners shall have equal privileges in treating patients in said hospital. The patient shall have the absolute right to employ at his or her own expense his or her own physician and when acting for any patient in such hospital the physician employed by such patient shall have exclusive charge of the care and treatment of such patient, and nurses therein shall as to such patient be subject to the directions of such physician; subject always to such general rules and regulations as shall be established by the board of trustees under the provisions of this act.

**SEC. 15. Training school for nurses.** The board of trustees of such county public hospital may establish and maintain in connection therewith and as a part of said public hospital a training school for nurses.

**SEC. 16. Room for detention and examination of the insane.** The said board of trustees shall at all times provide a suitable room for the detention and examination of all persons who are brought before the commissioners of insanity for such county, provided that such public hospital is located at the county seat.

**SEC. 17. Treatment of persons suffering from tuberculosis.** The board of trustees of said hospital are hereby authorized to provide, as a department of said public hospital, but not necessarily attached thereto, suitable accommodations and means for the care and treatment of persons suffering from tuberculosis, and to formulate such rules and regulations for the government of said persons, and for the protection from infection of other patients and of nurses and attendants in such public hospital as they may deem necessary; and it shall be the duty of all persons in charge of or employed at such hospitals, or

residents thereof to faithfully obey and comply with any and all such rules and regulations. Said board of hospital trustees shall, if practicable, employ as head nurse to be placed in charge of said public tuberculosis sanatorium one who has had experience in the management and care of tuberculous persons.

SEC. 18. **Hospital trustees to fix price for compensation for patients.** The board of hospital trustees shall have power to determine whether or not patients presented at said public hospital for treatment, are subjects for charity and shall fix such price for compensation for patients, other than those unable to assist themselves, as the said board deems proper, the receipts therefor to be paid to the treasurer of said county and credited by him to the hospital fund.

SEC. 19. **Indigent tuberculous residents of county.** The board of supervisors of any county, where no suitable provision has been made for the care of its indigent tuberculous residents, may contract with the board of hospital trustees of any public hospital for the care of such persons in the sanatorium department of said hospital, upon such reasonable terms as may be agreed upon.

SEC. 20. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 6, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 7, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 27.

### SALE OR EXCHANGE OF BONDS AND REFUNDING OF SAME.

H. F. 393.

AN ACT to amend section four hundred four (404) of the code relating to the sale or exchange of bonds and refunding of the same.

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

SECTION 1. **Negotiation of bonds.** That section four hundred four of the code be and the same is hereby amended by striking out the word "April" in line seven (7) and inserting the following in lieu therefor: "January, April, June, or September".

Approved April 8, A. D. 1909.

## CHAPTER 28.

### MEETINGS OF THE BOARD OF SUPERVISORS.

H. F. 428.

AN ACT to amend the law as it appears in section four hundred twelve (412) supplement to the code, 1907, relative to the meeting of the board of supervisors.

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

SECTION 1. **Meetings.** That section four hundred twelve (412) of the supplement to the code, 1907, be, and the same is hereby amended, by striking out in the sixth, seventh, eighth and ninth lines thereof the words "in each

year, and on the first Monday in November in the odd numbered years, and on the first Monday in November after election in the even numbered years," and inserting in lieu thereof the words, "and November in each year".

Approved April 8, A. D. 1909.

## CHAPTER 29.

### CARE AND SUPPORT OF THE POOR.

#### S. F. 101.

AN ACT to amend sections four hundred twenty-three (423) and amendments thereto, two thousand two hundred thirty-one (2231), two thousand two hundred thirty-three (2233), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), two thousand two hundred forty-nine (2249), two thousand two hundred seventy-one (2271), two thousand two hundred thirty-four (2234), two thousand two hundred thirty (2230) and two thousand three hundred eight (2308) and amendments thereto, of the code relating to the care and support of the poor. [Amending sections four hundred twenty-three (423) and twenty-three hundred eight (2308) of the supplement to the code, 1907.]

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

**SECTION 1. Word "poor house" changed to "county home."** That sections four hundred twenty-three (423) and amendments thereto, two thousand two hundred thirty-one (2231), two thousand two hundred thirty-three (2233), two thousand two hundred forty-one (2241), two thousand two hundred forty-two (2242), two thousand two hundred forty-three (2243), two thousand two hundred forty-four (2244), two thousand two hundred forty-five (2245), two thousand two hundred forty-six (2246), two thousand two hundred forty-eight (2248), two thousand two hundred forty-nine (2249) and two thousand two hundred seventy-one (2271) of the code be, and the same are hereby, amended by striking out of each of said sections the word "poor-house" wherever it occurs, and inserting in lieu thereof the words, "county home".

**SEC. 2. Word "poor-houses" changed to "county homes."** That section two thousand two hundred thirty-four (2234) of the code be, and the same is hereby, amended by striking from said section the word "poor-houses" occurring in the fourteenth line of said section, and inserting in lieu thereof the words, "county homes".

**SEC. 3. Word "poor-house" changed to "home."** That sections two thousand two hundred thirty (2230) and two thousand three hundred eight (2308) with amendments thereto, of the code be, and the same are hereby amended by striking out of each of said sections the word "poor-house" wherever it occurs and inserting in lieu thereof the word "home".

Approved March 18, A. D. 1909.

## CHAPTER 30.

## DEPENDENT SOLDIERS' AND SAILORS' TAX.

H. F. 452.

AN ACT to amend section four hundred thirty (430) of the code relative to dependent soldiers' and sailors' tax.

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

**SECTION 1. Amount of levy.** That section four hundred thirty (430) of the code be, and the same is hereby amended by striking from the first line of said section the word "one-half" and inserting in lieu thereof the word "one".

Approved April 5, A. D. 1909.

## CHAPTER 31.

## BURIAL OF INDIGENT SOLDIERS AND SAILORS.

H. F. 60.

AN ACT to repeal section four hundred and thirty-three (433) of the supplement to the code, 1907, relative to the burial of indigent soldiers and sailors, and to enact a substitute therefor.

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

**SECTION 1. Repeal—burial of indigent soldiers, sailors and marines.** That section four hundred thirty-three (433) of the supplement to the code, 1907, be, and the same is hereby repealed and the following substitute enacted in lieu thereof:

"The board of supervisors shall designate some suitable person in each township to cause to be decently interred the body of any honorably discharged soldier, sailor, or marine who served in the army or navy of the United States during any war, who may hereafter die without leaving sufficient means to defray the expenses of his funeral. Such burial shall not be made in any cemetery or burying ground or part thereof used exclusively for the burial of the pauper dead. The expenses of such burial shall in no case exceed the sum of fifty dollars, and in case surviving relatives of the deceased shall desire to conduct the funeral, and are unable or unwilling to pay the charges therefor, they shall be permitted to do so and the expenses shall be paid as herein provided."

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved February 24, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 25, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 32.

## INJURIES TO DOMESTIC ANIMALS BY DOGS OR WOLVES.

H. F. 301.

AN ACT to amend section four hundred and fifty-eight-c (458-c) of the supplement to the code, 1907, relative to injuries of domestic animals by dogs and wolves.

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

**SECTION 1. Claims for damages—how allowed and paid.** That section four hundred and fifty-eight-c (458-c) of the supplement to the code 1907, be and the same is hereby amended by striking out of the fifth line, the word "affidavit" and inserting in lieu thereof, the words "affidavits by two or more disinterested persons not related to the claimant"; also by placing a period after the word "upon" in the tenth line and striking [out] all of the section to and including [the word] "supervisors". Also, striking out of the twenty-first line, the words "seventy-five per cent" and the figure "(75)" and inserting in lieu thereof, the words "ninety per cent" and the figure "(90)".

Approved April 6, A. D. 1909.

## CHAPTER 33.

## DUTIES OF COUNTY AUDITORS.

S. F. 393.

AN ACT to amend the law as it appears in section four hundred eighty-b (480-b) of the supplement to the code, 1907, relating to the duties of county auditors.

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

**SECTION 1. County auditor to furnish information to auditor of state.** That section four hundred eighty-b (480-b) of the supplement to the code, 1907, be and the same is hereby amended by adding thereto the following:

"The county auditor of each county shall, on or before April 1st. of each year, furnish to the auditor of state, the information contained in such financial report and any other information relative to the financial affairs of the county which he may require upon blank forms provided by the auditor of state for this purpose."

Approved April 8, A. D. 1909.

## CHAPTER 34.

## POWERS AND DUTIES OF THE SHERIFF AND HIS DEPUTY.

S. F. 7.

AN ACT to repeal sections four hundred ninety-nine (499) and five hundred two (502) of the code, and to enact a substitute therefor relating to the powers and duties of the sheriff and his deputy.

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

**SECTION 1. Repeal.** That sections four hundred ninety-nine (499) and five hundred two (502) of the code be, and the same are hereby, repealed, and the following enacted in lieu thereof:

**SEC. 2. Duties in general.** It shall be the duty of the sheriff by himself or deputy to preserve the peace in his county, to ferret out crime, to apprehend

and arrest all criminals, and in so far as it is within his power, to secure evidence of all crimes committed in his county, and present the same to the county attorney and the grand jury; to file informations against all persons who he knows, or has reason to believe, have violated the laws of the state, and to perform all other duties pertaining to the office of sheriff or enjoined upon him by law.

**SEC. 3. Power to summon aid.** The sheriff by himself or deputy may call any person to his aid to keep the peace or prevent crime, or to arrest any person liable thereto, or to execute process of law; and when necessary, the sheriff may summon the power of the county.

**SEC. 4. Execute and return all writs.** The sheriff shall, by himself or deputy, execute and return all writs and other legal process issued by legal authority to him directed.

**SEC. 5. Special investigation.** The sheriff shall whenever directed so to do in writing by the county attorney, make special investigation of any alleged infraction of the law within his county, and report with reference thereto within a reasonable time to such county attorney. When such investigation is made the sheriff shall file with the county auditor a detailed, sworn statement of his expenses accompanied by the written order of the county attorney and the board shall audit and allow only so much thereof as it shall find reasonable and necessary.

**SEC. 6. Peace officers not relieved from duties.** Nothing in this act shall be so construed as to relieve any peace officer from the full and faithful discharge of all the duties now or hereafter enjoined upon him by law.

Approved April 2, A. D. 1909.

## CHAPTER 35.

### COMPENSATION OF SHERIFF.

S. F. 148.

AN ACT to amend the law as it appears in section five hundred ten-a (510-a) of the supplement to the code, 1907, relating to the compensation of sheriffs and providing for the disposition of mileage heretofore earned by sheriffs.

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

**SECTION 1. Sheriff to retain mileage fees.** The law as it appears in section five hundred and ten-a (510-a) of the supplement to the code 1907, for serving civil process, is hereby amended by inserting immediately after the word "earned", in the fourth line from the bottom of said section, the words "except mileage".

**SEC. 2. Mileage fees heretofore earned.** All mileage heretofore taxed under the provisions of section five hundred ten-a (510-a) of the supplement to the code, 1907, which has not been prepaid by parties litigant shall be and remain the property of the officer who earned the same and he shall be entitled to receive the same, when paid, whether in or out of office.

**SEC. 3. In effect.** This act being deemed of immediate importance shall be in force and take effect from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 36.

## COMPENSATION OF SHERIFF FOR BOARDING PRISONERS.

S. F. 150.

AN ACT to amend the law as it appears in section five hundred eleven (511) of the supplement to the code, 1907, relating to the compensation of sheriffs for boarding prisoners.

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

**SECTION 1. Fees for boarding and lodging prisoners.** The law as it appears in section five hundred eleven (511) of the supplement to the code, 1907, is hereby amended so that paragraph 16 thereof shall read as follows:

“For boarding prisoners, a compensation of twelve and a half cents for each meal, and not to exceed three meals in twenty-four consecutive hours, and for each night’s lodging, the sum of twelve and a half cents.”

Approved March 25, A. D. 1909.

## CHAPTER 37.

## ELECTION OF ASSESSORS IN CERTAIN TOWNSHIPS.

H. F. 219.

AN ACT to repeal the law as it appears in section five hundred sixty-five (565) of the code, and enact a substitute therefor with regard to election of township assessors in certain townships.

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

**SECTION 1. Repeal—election of assessor where city included.** That the law as it appears in section five hundred sixty-five (565) of the code be and the same is hereby repealed and the following enacted as a substitute therefor:

“In each even-numbered year there shall be elected in each township, a part of which is included within the corporate limits of any city or town, by the voters of such township residing without the corporate limits of such city or town, one assessor who shall be a resident of said territory outside of said city or town.”

Approved April 8, A. D. 1909.

## CHAPTER 38.

## LEVY OF CEMETERY TAX.

S. F. 176.

AN ACT to amend the law as it appears in section five hundred eighty-six (586) and section eight hundred ninety-four (894) of the supplement to the code, 1907, relating to the levy of cemetery tax.

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

**SECTION 1. Cemetery tax levy—city or town property included.** That the law as it appears in section five hundred eighty-six (586) of the supplement to the code, 1907, be amended by adding thereto the following:

“The levy herein authorized may be extended to property within the limits of any city or town so far as same is situated within the township, unless such

city or town is already maintaining a cemetery, or has levied a tax in support thereof."

**SEC. 2. Private or incorporated cemetery association.** That paragraph eleven (11) of section eight hundred and ninety-four (894) of the supplement to the code, 1907, be amended by substituting a comma for the period following the word "city" in the fourth line thereof and adding thereto the following: "or any private or incorporated cemetery association utilized by the citizens of said city or town."

**SEC. 3. Subdivision eleven extended to towns—amount of tax.** That the law as it appears in paragraph twelve (12) of section eight hundred ninety-four (894) of the supplement to the code, 1907, be amended by striking out the word "and" in the second line and inserting after the figure "ten (10)" in said line, the following: "and, eleven (11)", and by adding at the close of said section the following: "The tax authorized by paragraph eleven (11) hereof may as to towns exceed one-half ( $\frac{1}{2}$ ) of one (1) mill, but shall in no case exceed three (3) mills on the dollar."

Approved April 16, A. D. 1909.

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## CHAPTER 39.

### COMPENSATION OF TOWNSHIP TRUSTEES.

H. F. 31.

AN ACT to amend section five hundred and ninety (590) of the code relating to the compensation of township trustees.

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

**SECTION 1. Compensation in certain townships.** That section five hundred and ninety (590) of the code be amended by adding to subdivision one (1) "except in townships having a population of thirty thousand (30,000) or over, and situated entirely within the limits of a city acting under special charter, such compensation shall be three dollars (\$3.00) per day."

Approved April 6, A. D. 1909.

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## CHAPTER 40.

### COMPENSATION OF TOWNSHIP CLERKS.

H. F. 29.

AN ACT to amend section five hundred and ninety-one (591) of the code relating to the compensation of township clerks.

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

**SECTION 1. Compensation in certain townships.** That section five hundred and ninety-one (591) of the code be amended by adding to subdivision one (1) "except in townships having a population of thirty thousand (30,000) or over, and situated entirely within the limits of a city acting under special charter, such compensation shall be three dollars (\$3.00) per day."

Approved April 6, A. D. 1909.



## CHAPTER 41.

## COMPENSATION OF TOWNSHIP ASSESSORS.

H. F. 30.

AN ACT to amend section five hundred and ninety-two (592) of the code relating to the compensation of township assessors.

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

**SECTION 1. Compensation of assessor.** That section five hundred and ninety-two of the code is hereby amended so as to read as follows:

“Each township assessor shall receive in full for all services required of him by law, a sum to be paid out of the county treasury, and fixed annually by the board of supervisors at their January session; said compensation shall be for the succeeding year, and shall not exceed the sum of two and one-half dollars (\$2.50) for each day of eight hours which said board determines may necessarily be required in the discharge of all official duties of such assessors, except in townships having a population of thirty thousand (30,000) or over, and situated entirely within the limits of a city acting under special charter, such compensation shall be four dollars (\$4.00) per day.”

Approved April 5, A. D. 1909.

## CHAPTER 42.

## PUBLICATION OF PROCEEDINGS OF CITY AND TOWN COUNCILS.

H. F. 379.

AN ACT providing for the publication of the proceedings of city and town councils. [Additional to chapter three (3) of title five (V) of the code, relating to ordinances, courts and fines.]

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

**SECTION 1. Proceedings published or posted.** Immediately following a regular or special meeting of the city or town council, the clerk shall, when so ordered by said council, prepare a condensed statement of the proceedings of said council, including the list of claims allowed, and from what funds appropriated and cause the same to be published in one or more newspapers of general circulation, published in said city or town, or by posting in one or more public places, as directed by said council.

**SEC. 2. Cost of publishing.** That the compensation allowed each newspaper for such publication shall not exceed one-third of the legal fee provided by statute for the publication of legal notices.

Approved April 12, A. D. 1909.

## CHAPTER 43.

## LEVY FOR FIRE FUND IN CITIES OF THE SECOND CLASS.

H. F. 170.

AN ACT to amend the law as it appears in section seven hundred sixteen-a (716-a) of the supplement to the code, 1907, fixing the levy for the fire fund in cities of the second class.

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

**SECTION 1. Levy for fire fund.** That the law as it appears in section 716-a of the supplement to the Code, 1907, be and the same is hereby amended by

striking out in the second line of said section the words, "one mill," and inserting in lieu thereof the words, "three mills, and in cities with a population in excess of ten thousand, five mills".

Approved February 23, A. D. 1909.

## CHAPTER 44.

### SUBMISSION OF CERTAIN QUESTIONS TO VOTERS OF CITIES AND TOWNS.

H. F. 256.

AN ACT to amend sections seven hundred twenty (720), seven hundred twenty-one (721), and seven hundred seventy-six (776) of the supplement to the code, 1907, relating to the purchase of water or gas works, heat plants and electric plants, the granting of franchises and the submission of the question to the voters.

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

**SECTION 1. Heating plants—water or gas works—electric plants—question when submitted.** That section seven hundred twenty (720) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "general" in the thirteenth line of said section a comma (,) and the word "city".

**SEC. 2. Same.** That section seven hundred twenty-one (721) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "general" in the third line of said section the words "or city".

**SEC. 3. Granting franchise—question when submitted.** That section seven hundred seventy-six (776) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "general" in the fifth line of said section a comma (,) and the word "city", and by inserting after the word "general" in the seventh line of said section the words "or city".

**SEC. 4. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 18, A. D. 1909, and in the Des Moines Capital March 19, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 45.

### ACQUISITION OF HEATING PLANTS, WATER WORKS AND POWER PLANTS BY CONDEMNATION PROCEEDINGS.

S. F. 380.

AN ACT providing for acquiring by condemnation proceedings by cities and towns of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending section seven hundred twenty-two (722) of the supplement to the code, 1907.

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

**SECTION 1. Condemnation authorized.** That section seven hundred twenty-two (722) of the supplement to the code, 1907, be amended by adding thereto as follows:

"That when any city or town shall have voted at an election as is provided in sections seven hundred twenty (720) and seven hundred twenty-one (721) of the supplement to the code, 1907, to purchase, establish, erect, maintain, and operate heating plants, waterworks, gas works, or electric light or electric power plants, or when any such city or town shall have voted to contract indebtedness and issue bonds as is provided in sections thirteen hundred and six-b (1306-b), thirteen hundred and six-c (1306-c), thirteen hundred and six-d (1306-d), and thirteen hundred and six-e (1306-e) of the supplement to the code, 1907, for any of the purposes therein enumerated, and in such city or town there shall then exist any such heating plant, water works, gas works, electric light or electric power plants, or incomplete parts thereof or more than one, not publicly owned, and the contract or franchise of the owner of which utility has expired or been surrendered and such owner and city or town cannot agree upon terms of purchase; such city or town may, by resolution, proceed to acquire by condemnation, as hereinafter provided, any one or more of such heating plants, water works, gas works, electric light or electric power plants or incomplete parts thereof and when so acquired may apply the proceeds of the bonds voted or issued in payment therefor and in making extensions and improvements to such works or plants so acquired; but not more than one of such utilities shall be so acquired when any such city or town shall be indebted in excess of the statutory limitation of indebtedness for such purposes for any such acquired property.

**SEC. 2. Court of condemnation.** That upon the passage of the resolution as provided under section 1 hereof and presentation of a certified copy thereof to the supreme court while in session, or to the chief justice of the supreme court, the said court or chief justice shall, within five days thereafter, appoint three district court judges from three judicial districts, of which one shall be from the district wherein such city or town is located, if he be not a resident of such city or town, as a court of condemnation, and shall enter an order requiring said judges to attend as such court of condemnation at the county seat in the county in which said city or town is located, within ten days thereafter, which judges shall so attend as ordered, and a copy of which order and the time and place of the meeting of said court of condemnation shall be served upon the owner or owners of such plants or works in the same manner as the service of original notice. And if such owner be a non-resident, then by service upon the person in charge of such plant or works. Such court of condemnation shall have the power to summon and swear witnesses, take evidence, order the taking of depositions, and require the production of any books and papers, as is provided in chapter 1, title XXIII of the code, and a reporter may be appointed, as is provided for the district court; and such court shall perform all the duties of commissioners in the condemnation of property and such duties and the method of condemnation and procedure, including provisions for appeal, shall, except as is herein otherwise specially provided, be the same, as nearly as may be, as is provided in chapter 4, title X of the code, but the clerk of the district court of the county where such city or town is located shall perform all the duties required of the sheriff in said chapter and, in case of a vacancy in said court of condemnation, such vacancy shall be filled in the same manner in which the original appointment was made and the court may review any evidence of its record made necessary by reason of such vacancy.

**SEC. 3. Costs and expenses.** The costs of said proceedings shall be the same and paid in the same manner as in proceedings in the district court, and the said district court judges of said court of condemnation shall receive, while engaged in such service, their actual expenses, which expenses shall be taxed as costs in the case."

Approved April 16, A. D. 1909.

## CHAPTER 46.

## LEVYING OF TAXES FOR PUBLIC LIBRARIES.

H. F. 218.

AN ACT to amend section seven hundred thirty-two (732) supplement to the code, 1907, relative to the levying of taxes for public libraries.

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

**SECTION 1. City council to levy amount certified.** That section seven hundred thirty-two (732), supplement to the code, 1907, be amended by striking out from lines fourteen (14) and fifteen (15) of said section the words "or so much thereof as it may deem necessary to promote library interests".

Approved March 17, A. D. 1909.

## CHAPTER 47.

## MAINTENANCE OF CERTAIN INSTITUTIONS OF BENEVOLENCE, INCLUDING HOSPITALS.

S. F. 22.

AN ACT to amend the law as it appears in section seven hundred and forty (740) of the supplement to the code, 1907, relating to aiding by taxation the maintenance of any institution of benevolence including hospitals acquired by any county, city, town by gift or devise.

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

**SECTION 1. Tax levy—question submitted—tax, how collected and expended.** That the law as it appears in section seven hundred and forty (740) of the supplement to the code, 1907, be amended by adding after the period at the end of said section the following:

"When any county, city, or town shall receive by gift or devise, property, real or personal, for the purpose of establishing any institution of benevolence including hospitals, and no sufficient fund or endowment is provided for its maintenance or when any such municipality shall receive by gift or devise property, real or personal, for either of said purposes, upon condition that the donee or devisee provide for aiding the maintenance of such institution by a tax levy upon the assessed property of such municipality, as may be done under the provisions of this act, it shall be the duty of the governing board of such municipality to submit by resolution to the qualified electors thereof at a regular or special election the question whether there shall be levied upon the assessed property of such municipality an annual tax not exceeding three mills on the dollar for the purpose of aiding the maintenance of such institution. The said proposition shall be submitted in the manner provided for similar propositions in the chapter on elections. If a majority of the votes cast at such election on the proposition so submitted shall be in favor of the proposition for taxation the governing board of such municipality shall determine the amount to be levied for such purpose, not exceeding three mills on the dollar, and the amount so fixed shall be levied upon the assessed property of such municipality and collected, in the same manner as other taxes of such municipality are levied and collected; and when collected by the county treasurer shall be paid over to the treasurer of the institution authorized to receive the same and shall be paid out on the order of the trustees of such institution who are authorized to manage and control the same, for the purposes authorized by this act and for no other purpose whatever.

**SEC. 2. Levy discontinued—how and when.** The governing board of such municipality may discontinue such levy of tax in the event that the institution to be aided thereby is destroyed by the elements and no fund is provided or available for its rebuilding; or after five years of continuance of such tax aid the governing board may, and upon the petition of twenty-five per cent of the qualified electors of such municipality, shall, by resolution, re-submit to the qualified electors of such municipality, at a regular or special election, in the same manner hereinbefore specified, the question whether tax aid for such institution shall be discontinued, and if sixty-five per cent of the votes cast at such election on the proposition so submitted, be in favor of discontinuing tax aid, no further levy of tax shall be made for such purpose.

**SEC. 3. Existing statutes not repealed.** The provisions of this act shall not be construed as repealing any other provisions of title five (5) of the code or code supplement of 1907 relating to like institutions."

Approved March 18, A. D. 1909.

## CHAPTER 48.

### INDEBTEDNESS FOR CITY HALL PURPOSES.

S. F. 384.

AN ACT to amend the law as it appears in section seven hundred forty-one-f (741-f), chapter four (4), title five (V), of the supplement to the code, 1907, authorizing certain cities to incur an indebtedness for the purpose of constructing a city hall in an amount not exceeding in the aggregate two percentum of the actual value of the taxable property within such city, and to authorize the issuance of bonds in pursuance of an election which may have been heretofore held authorizing the erection of such city hall.

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

**SECTION 1. Amount of indebtedness—bonds.** That the law as it appears in section seven hundred forty-one-f (741-f), chapter four, title five of the supplement to the code, 1907, be and the same is hereby amended by adding thereto the words: "And in issuing such bonds such city may become indebted in an amount which added to all other indebtedness shall not exceed two per centum of the actual value of the taxable property in such city as determined by the last state and county tax list, anything in section thirteen hundred six-b (1306-b) of the supplement to the code, 1907, to the contrary notwithstanding, and such indebtedness may be incurred and such bonds issued in pursuance of an election which may have been heretofore held authorizing the erection of such city hall."

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa, without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 9, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 49.

## SUBMISSION OF QUESTIONS TO VOTERS OF CERTAIN CITIES.

H. F. 227.

AN ACT to amend sections seven hundred forty-one-g (741-g), seven hundred forty-one-m (741-m), seven hundred forty-one-q (741-q), and seven hundred forty-six (746) of the supplement to the code, 1907, relating to the submission of questions to voters.

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

**SECTION 1. City hall—question submitted.** That section seven hundred forty-one-g (741-g) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word "general" in the third line of said section.

**SEC. 2. City building or fire station—question submitted.** That section seven hundred forty-one-m (741-m) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word "general" in the fifth line of said section, and inserting in lieu thereof the word "city".

**SEC. 3. City hospital—question submitted.** That section seven hundred forty-one-q (741-q) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word "regular" in the second line of said section and inserting in lieu thereof the word "city".

**SEC. 4. Purchase or construction of water works—question submitted.** That section seven hundred forty-six (746) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the article "a" in the fifth line of said section the words "city or".

**SEC. 5. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 18, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 20, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 50.

## EXPENDITURES FROM WATER WORKS SINKING FUND.

H. F. 119.

AN ACT amending the law as it appears in section seven hundred and forty-six (746) of the supplement to the code, 1907, relating to contracts and expenditures from the water works sinking fund for purposes incident to the making and submission to the people of contracts for the purchase or erection of water works.

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

**SECTION 1. Expenditures authorized.** That the law as it appears in section seven hundred and forty-six (746) of the supplement to the code, 1907, be amended by adding thereto the following:

"When a majority of the electors of said city at any election shall have declared in favor of the purchase or erection of any water works, or shall have authorized the incurring of indebtedness or issuance of bonds for water works, the city council may provide by contract or otherwise without submission of same to the electors, for surveys, examinations, appraisements, estimates, plans, specifications, advertisements for bids and all other necessary work, preliminary to the making of such contract or contracts for purchase or erec-

tion of water works, and pay for the same and the expense of said election out of said sinking fund."

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved February 23, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 24, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 51.

### TRANSPARENT SHIELDS FOR PLATFORMS OF CERTAIN STREET CARS.

S. F. 177.

AN ACT requiring persons, partnerships or corporations owning or operating street car systems to provide transparent shields for the platforms of certain street cars and providing a penalty for the violation of the requirements hereof. [Additional to section seven hundred sixty-eight (768) of the supplement to the code, 1907, relating to equipment of street cars.]

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

SECTION 1. **Transparent shields on certain motor cars.** That on and after the first day of October, 1909, every person, partnership or corporation owning or operating street railways in this state shall provide and maintain upon all motor cars, except trailers, used for the transportation of passengers, not now by law required to carry an enclosed vestibule, a transparent shield extending the full width of each car and constructed in such manner as will afford protection to the motorman and passengers on the platform of such motor car from inclement weather.

SEC. 2. **Penalty.** Failure to comply with the terms of this act shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25.00) and each day during which any car shall be operated in violation of this act shall constitute a separate offense.

Approved April 7, A. D. 1909.

## CHAPTER 52.

### EQUIPMENT OF STREET CARS WITH POWER BRAKES.

S. F. 212.

AN ACT to require every person, partnership, company or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for the control and stopping of the same, and providing a penalty for the violation thereof. [Additional to section seven hundred sixty-eight (768) of the supplement to the code, 1907, relating to equipment of street cars.]

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

SECTION 1. **Power brakes and sanding appliances.** Every person, partnership, company or corporation, owning or operating a street railway in this state shall equip every double truck passenger car of thirty-seven (37) feet and more in length over all, or weighing thirty-five thousand (35,000) pounds or more, purchased, built or re-built hereafter, with power brakes other than

hand capable of bringing such car to as [a] stop within a reasonable distance together with equipment for sanding the rails of any street railway, which brake and sand equipment shall be controlled and operated by the motorman on said car.

**SEC. 2. Penalty.** Any violation of this section shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars for each day every such car is operated in violation hereof.

Approved April 13, A. D. 1909.

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## CHAPTER 53.

### STREET IMPROVEMENTS IN CERTAIN INCORPORATED TOWNS.

S. F. 414.

AN ACT authorizing street improvements in incorporated towns having a population in excess of one thousand, and providing for the levy of special assessments therefor. (Additional to title five (V), chapter seven (7) of the code, as amended.)

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

**SECTION 1 Street improvements authorized.** That incorporated towns, having a population in excess of one thousand (1,000), shall have and exercise the powers conferred by chapter seven (7), title (V) of the code, for the construction of street improvements authorized in section seven hundred ninety-two (792) of the code, whenever such street improvements shall have been petitioned for by the owners of not less than seventy-five per centum of the linear front feet of the property abutting on that part of any street, highway, avenue or alley so to be improved; and levy special assessments therefor, as authorized by said chapter as amended.

**Sec. 2. In effect.** This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 20, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 21, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

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## CHAPTER 54.

### SEWER OUTLETS AND PURIFYING PLANTS.

H. F. 355.

AN ACT to repeal the law as it appears in chapter forty-one (41) of the laws of the thirty-second general assembly and to enact a substitute therefor relating to the powers of certain cities and towns to levy taxes for the purpose of constructing outlets and purifying plants for sewers and to authorize anticipating collection of such tax by issuing certificates or bonds. [Repealing section eight hundred forty-g (840-g) of the supplement to the code.]

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

**SECTION 1. Repeal—tax levy authorized.** That the law as it appears in chapter forty-one (41) of the laws of thirty-second general assembly be, and the same is hereby, repealed and the following is enacted as a substitute therefor, to-wit:

“Cities of the second class and towns shall have the power to levy annually a tax of not to exceed three (3) mills on the dollar to be used solely for



the purpose of constructing outlets and purifying plants for sewers. The levy made under this act shall not be considered a part of the levy made for a sewer fund under provisions of the law as it appears in paragraph three (3) of section eight hundred ninety-four (894) of the supplement to the code, 1907. The tax herein authorized may be anticipated by issuing certificates or bonds, as provided by section nine hundred twelve (912) of the code."

Approved March 29, A. D. 1909.

## CHAPTER 55.

### PROTECTION OF CITY AND TOWN PROPERTY FROM FLOODS.

H. F. 314.

AN ACT to amend sections eight hundred forty-nine-a (849-a), eight hundred forty-nine-b (849-b), eight hundred forty-nine-c (849-c), eight hundred forty-nine-e (849-e), eight hundred forty-nine-f (849-f), eight hundred forty-nine-g (849-g) and eight hundred forth-nine-h (849-h) of the supplement to the code, 1907, relating to the protection of city and town property from floods.

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

**SECTION 1. Protection authorized in towns.** That section eight hundred forty-nine-a (849-a) of the supplement to the code, 1907, be and the same is hereby amended by inserting the words "and towns" between the words "cities" and "in" in the second line thereof.

[**SEC. 2.] Petition.** That section eight hundred forty-nine-b (849-b) of the supplement to the code, 1907, be and the same is hereby amended by inserting the words "or twenty-five resident tax payers of said town" between the words "city" and "shall" in the third line thereof. Also by striking out the word "city" as it appears the first time in the fourth line thereof and by inserting the words "or town" between the word "city" as it appears the second time in said fourth line and the comma following.

[**SEC. 3.] Resolution—notice—hearing—special tax.** That section eight hundred forty-nine-c (849-c) of the supplement to the code, 1907, be and the same is hereby amended by inserting the words "or town" between the word "city" and the comma following in the tenth line thereof, and by inserting after the comma in the twelfth line thereof the following: "or in case there be no daily newspaper published in said city or town then by publication in one or more weekly newspapers published within said city or town once each week for two consecutive weeks, or in towns where there are no newspapers published by posting in five public places for four weeks" and by inserting the words "or town" between the words "city" and "for" in the seventeenth line thereof and by inserting the words "in case of cities and ten (10) mills in case of towns" between the words "mills" and "in" in the nineteenth line thereof.

[**SEC. 4.] Levy of tax.** That section eight hundred forty-nine-e (849-e) of the supplement to the code, 1907, be and the same is hereby amended by inserting the words "in case of cities or ten (10) mills in case of towns", between the words "mills" and "in" in the ninth line thereof and by inserting the words "or town" between the words "city" and "and" in the tenth line thereof and by inserting the words "or town" between the word "city" and the comma following in the seventeenth line thereof.

[**SEC. 5.] Diversion of stream.** That section eight hundred forty-nine-f (849-f) of the supplement to the code, 1907, be and the same is hereby amended by inserting the words "or town" between the words "city" and "shall" in the third line thereof.

[SEC. 6.] **Purchase or condemnation of private property.** That section eight hundred forty-nine-g (849-g) be and the same is hereby amended by inserting the words "or town" between the words "cities" and "may" in the second line thereof.

[SEC. 7.] **Bonds and assessment certificates.** That section eight hundred forty-nine-h (849-h) of the supplement to the code, 1907, be and the same is hereby amended by inserting the words "or town" between the words "city" and "constructing" in the first line thereof.

Approved April 9, A. D. 1909.

## CHAPTER 56.

### PARKS AND PARK COMMISSIONERS.

S. F. 233.

AN ACT to amend the law as it appears in sections eight hundred fifty-c (850-c), eight hundred fifty-e (850-e), and eight hundred fifty-f (850-f) of the supplement to the code, 1907, relating to parks and park commissioners.

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

**SECTION 1. Tax certified.** The law as it appears in section eight hundred fifty-c (850-c) of the supplement to the code, 1907, is hereby amended by striking out all that part of said section commencing with the first word thereof "the" and ending with the word "year" in the eighth line thereof, and inserting in lieu thereof the following:

"The board shall on or before the first day of August of each year determine and fix the amount or rate necessary to pay maturing bonds and to pay the interest on all outstanding bonded indebtedness, and such additional amount or rate as they may deem necessary for park purposes, not exceeding for all purposes two mills on the dollar in all cities and towns on the valuation of such city or town, to be levied, collected and appropriated for park purposes for the ensuing year; and shall cause the same to be certified to the city or town council which shall levy the portion or rate necessary to meet the maturing bonds and interest on all bonded indebtedness and so much of the additional amount or rate as it may deem necessary to promote park interests, and certify the per cent thereof to the county auditor with the other taxes for said year. The amount levied and collected for the payment of any bonds or the interest thereon shall not be used, appropriated or diverted to any other purpose. If the board shall fail to certify to the city or town council the amount and rate for the ensuing year necessary for the purpose of paying any bonds and the interest thereon issued by the board, the city or town council shall levy such tax as shall be necessary to pay any such maturing bonds and interest on all bonded indebtedness."

**SEC. 2. Annual interest on bonds.** The law as it appears in section eight hundred and fifty-e (850-e) of the supplement to the code, 1907, is hereby amended by striking from the eighteenth line thereof the words "one-fifth" and by inserting in lieu thereof the words "one-half".

**SEC. 3. Power to mortgage real estate controlled by board.** The law as it appears in section eight hundred fifty-f (850-f) of the supplement to the code, 1907, is hereby amended by striking from lines five and six thereof the words "by such proceeds" and insert in lieu thereof the following: "or controlled by it for park purposes".

**SEC. 4. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the

Register and Leader and the Des Moines Daily News, newspapers published in the city of Des Moines, Iowa.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Daily News April 9, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 57.

### TAX LEVY FOR PARK PURPOSES.

S. F. 266.

AN ACT to amend the law as it appears in section eight hundred fifty-c (850-c) of the supplement to the code, 1907, relating to the tax levy for park purposes and repealing section eight hundred fifty-two (852) of the code as amended by chapter forty-three (43) of the acts of the thirty-second general assembly. [Repealing section eight hundred fifty-two (852) of the supplement to the code, 1907.]

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

**SECTION 1. Amount of tax levy—additional levy in certain cities—purposes.** The law as it appears in section eight hundred fifty-c (850-c) of the supplement to the code, 1907, is hereby amended by striking out the word "two" where it appears at the beginning of the third line in said section, and by inserting in lieu thereof the words "two and one-half (2½)". The law as it appears in said section is further amended by adding to the same the following: "In cities having a population of over twenty-five thousand, said board is authorized, in its discretion, to certify to the county auditor for the years 1909, 1910, and 1911, and to cause to be collected an additional tax of one mill each year, to be used for the sole and only purpose of purchasing and paying for real estate."

**SEC. 2. Repeal.** Section eight hundred and fifty-two (852) of the code as amended by chapter forty-three (43) of the acts of the thirty-second general assembly is hereby repealed.

Approved April 6, A. D. 1909.

## CHAPTER 58.

### PARK DISTRICTS.

H. F. 123.

AN ACT to amend section eight hundred fifty-j (850-j) of the supplement to the code, 1907, relating to park districts.

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

**SECTION 1. Township park districts abolished.** That section eight hundred fifty "J" (850-j) of the supplement to the code, 1907, be amended by striking therefrom the following words in the third, fourth, fifth, sixth, seventh and eighth lines thereof, to-wit:

"And unless all of the commissioners shall agree upon the location of one park for a whole city, each township shall constitute a separate park district, and the proceeds of any bonds shall be apportioned to and expended in each district, in proportion to the tax levied thereon, and all funds received from taxes collected shall be expended in the same manner."

Approved March 12, A. D. 1909.

## CHAPTER 59.

## POWERS AND DUTIES OF PARK COMMISSIONERS IN SPECIAL CHARTER CITIES.

S. F. 129.

AN ACT to amend section nine hundred ninety-five (995) of the code, relating to powers and duties of commissioners in cities of special charter.

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

**SECTION 1. Paving of streets adjacent to parks.** That section nine hundred and ninety-five (995) of the code be and the same is hereby amended by inserting in the third line thereof, after the word "grounds" and the comma thereafter, the following: "for paving streets adjacent thereto".

**SEC. 2. In effect.** This act being deemed of immediate importance shall be in force and effect after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 13, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 60.

## IMPROVEMENT OF WATER FRONTS IN SPECIAL CHARTER CITIES.

S. F. 371.

AN ACT to enable certain cities to improve their water fronts and to levy a tax to pay for such work and in certain cases to borrow money therefor and issue negotiable bonds for such debt. [Additional to chapter fourteen (14) of title five (V) of the code, relating to cities under special charter.]

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

**SECTION 1. Special charter cities authorized to improve water front—tax levy.** That any city, acting under special charter, which is bounded in part or divided by a river, may improve said water front by constructing retaining walls, filling, grading, paving, macadamizing or riprapping the same; and to pay for such improvements the councils of said cities are empowered to levy a tax of not exceeding one (1) mill on the dollar per annum on the taxable property thereof, the same when collected to be known as the "levee improvement fund". The proceeds of such "fund" shall be used exclusively for said purposes.

**SEC. 2. Bonds.** In the event that the proceeds of such tax in any one year shall be insufficient to pay for the improvements of that year, or if the city council shall deem best to extend the payment over a number of years, then upon a majority vote of said council approving the same, said cities may borrow the money to make such improvements and issue the negotiable interest bearing bonds of said city, to evidence said debt. Provided that the total bond that may be issued under this act by any one city shall not exceed one per centum of the assessed value of said city.

**SEC. 3. Form.** Said bonds shall be in amounts provided in, and conform in substance to the requirements of, section nine hundred and six (906) of the code.

Approved April 7, A. D. 1909.

## CHAPTER 61.

## PENSIONS FOR DISABLED AND RETIRED FIREMEN.

S. F. 271.

AN ACT authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions. [Additional to title five (V) of the code, relating to city and town government.]

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

**SECTION 1. Tax levy—firemen's pension fund.** In all cities and towns including cities organized under special charter, now or hereafter having an organized fire department, there may be and in all such cities having a paid fire department there shall be annually levied at the time of the levy of other taxes for city purposes a tax not exceeding one-half of a mill on the dollar upon all taxable property within the limits of such cities and towns for the purpose of creating a firemen's pension fund. All moneys derived from taxes so levied and all moneys received as membership fees and dues as hereinafter provided and all moneys received from grants, donations, and devises, for the benefit of such fund shall constitute a fund to be known and designated as a firemen's pension fund, which said fund shall be under the control of a board of trustees and shall be exclusively devoted to and for the purposes hereinafter enumerated.

**SEC. 2. Trustees—to serve without compensation.** The chief officer of the fire department, the city treasurer, and the city solicitor, or attorney, of such cities and towns shall be ex-officio members of and shall constitute the board of trustees of the firemen's pension fund. The chief officer of the fire department shall be president and the city treasurer, treasurer of such board of trustees and the faithful performance of the duties of the treasurer shall be secured by his official bond as city treasurer. Such trustees shall not receive any compensation for their services as members of said board.

**SEC. 3. Investment of surplus.** The firemen's pension fund shall be kept and preserved as a separate fund. The board of trustees shall have power to invest any surplus left in such fund at the end of the fiscal year, but no part of the fund realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest bearing bonds of the United States, of the state of Iowa, of any county, township, or municipal corporation of the state of Iowa. All such securities shall be deposited with the treasurer of the board of trustees for safe keeping.

**SEC. 4. Gifts, devises or bequests—membership and annual fees.** The board of trustees may take by gift, grant, devise, or bequest, any money or property, real or personal, or other thing of value for the benefit of the firemen's pension fund. All rewards in money, fees, gifts, or emoluments of every kind or nature that may be paid or given to any fire department or to any member thereof, except when allowed to be retained or given to endow a medal or other permanent or competitive reward on account of extraordinary services rendered by said fire department or any member thereof, and all fines and penalties imposed upon members shall be paid into the said pension fund and become a part thereof. Every member of the paid fire department of any city or incorporated town within the provisions of this act shall be required to pay to the treasurer of said fund a membership fee to be fixed by the board of trustees, not exceeding five dollars (\$5.00), and shall also be assessed and required to pay annually an amount equal to one per cent per annum upon

the amount of the annual salary paid to him, which said assessment shall be deducted and retained in equal monthly installments out of such salary.

**SEC. 5. Who entitled to pension—amounts—how paid—exempt from liability for debts.** Any member of a fire department within the provisions of this act who shall, while a member of such department and while engaged in the performance of his duties as such fireman, be injured or disabled and, upon an examination by a physician appointed by the board of trustees, be found to be physically or mentally permanently disabled as a result of such injury so as to render him unfit for the performance of duties of a fireman shall be entitled to be retired and the board of trustees shall thereupon order his retirement and, upon being retired, shall be paid out of the firemen's pension fund of such city, monthly, a sum equal to one-half the amount of the monthly compensation allowed such member as salary at the date of his injury or disability, if such person be a member of an organized fire department in which salaries are paid to its members; but if such person be a regular member of an organized volunteer fire department, or a volunteer or call member of a paid fire department, he shall be paid such pension as the board of trustees fix and determine. If a member of such fire department, retired, as above provided, because of permanent disability, shall die as a result of such injury, or if a member of such fire department, while in the performance of his duties, shall be killed or die as a result of injuries received, or if a member die because of any disease contracted by reason of his occupation as a fireman and shall leave a widow or minor children or dependent father or mother surviving him, there shall be paid to the surviving widow, so long as she remains unmarried and of good moral character, a pension of twenty dollars (\$20.00) per month out of the firemen's pension fund, and there shall also be paid to the guardian of the minor children of such member, out of said fund, a pension of six dollars (\$6.00) per month for each of said children until it or they reach the age of sixteen years, provided, however, that there shall not be paid to the surviving widow and minor children an aggregate sum in excess of a sum equal to one-half of the amount of the salary of such member at the time of his death or disability; and if such deceased fireman leave no widow or minor children, then there shall be paid to his dependent father and mother, or to either, if one alone survives, a pension of twenty dollars (\$20.00) per month. There shall be paid to the surviving widow and children and dependent father and mother of members of volunteer fire companies, killed while in the performance of their duties, or dying as the result of any disease contracted by reason of their occupation as fireman, or dying after being retired because of injury received in the performance of such duty, a pension to be fixed and determined by the board of trustees. Any member of a fire department who may be entitled to benefits under the provisions of this act and who has served twenty-two years or more in such fire department, of which the last five years' service shall have been continuous, may make application to the board of trustees to be retired from such fire department and thereupon it shall be the duty of the board of trustees to order the retirement of such member, if it be found that he is unable to perform the duties to which he is or may be assigned, or has reached the age of fifty-five years, and upon retirement, he shall be paid a monthly pension equal to one-half the amount of salary received by him as monthly compensation at the date of his retirement. Any member of a fire department entitled to be retired, under the provisions of this act, but who shall continue in service and who shall be thereafter discharged for cause other than the violation of any law of the United States or the state of Iowa, amounting to a felony, shall, upon being discharged, be entitled to, and there shall be paid to him, a monthly pension equal to one-half of the amount of salary received by him at the date of his discharge; provided, however, that the chief officer of any fire department

shall have the power to assign any members of the fire department retired or drawing pensions under this act to the performance of light duties in such fire department in cases of extraordinary emergencies, and provided, further, that, after the decease of a retired or discharged member receiving a pension under the provisions of this act, his widow and minor child or children under sixteen years of age, or, in case he leaves no widow and minor children, his dependent parent or parents, if any, shall be entitled to a pension in the amount and under the conditions heretofore provided to be paid to the surviving widow and minor children and dependent parents of a member killed or disabled in the performance of his duties. And provided further, if, at any time, there shall be insufficient funds in the firemen's pension fund to meet and pay all pensions due and owing from said fund, the board of trustees shall apportion the amount on hand in said fund among the persons entitled to such pensions in proportion to the amount to which each is entitled and the payment of such proportionate amount shall be considered a full payment of the amount then due and no liability shall thereafter exist for the unpaid portions of such pensions. All pensions paid under the provisions of this act shall be exempt from liability for debts of the person receiving the same and shall not be subject to seizure upon execution or other process.

**SEC. 6. Pension payments to begin—when.** No pension shall be paid under the provisions of this act prior to the first day of January, 1910, and no portion of the pension fund accumulated under the provisions of this act shall be expended for any purpose whatsoever prior to that time. If, on that date, there are living any person or persons who would have been entitled to draw pensions under the provisions of this act, but for this limitation, pensions shall be paid to said persons from and after the first day of January, 1910, as though the right to said pensions had accrued on that date.

**SEC. 7. Retired members re-examined—witnesses—notice.** If any member of any fire department shall have been retired by reason of physical or mental disability, the board of trustees shall have the right and power, at any time, to cause such retired member to be brought before it and again examined by competent physicians for the purpose of discovering whether such disability yet continues and whether such retired member should be continued on the pension roll, and shall also have the power to examine witnesses for the same purpose. Such retired member shall be entitled to reasonable notice that such examination will be made and to be present at the time of the taking of any testimony, shall be permitted to examine the witnesses brought before the board, and shall also have the right to introduce evidence in his own behalf. All witnesses produced shall be examined under oath and any member of such board of trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such board upon such matters shall be final and conclusive, in the absence of fraud, and no appeal shall be allowed therefrom. Such disabled member shall remain upon the pension roll unless and until reinstated in such fire department by reason of such examination.

**SEC. 8. Provisions subject to alteration or change.** The provisions of this act shall be, at all times, subject to alteration or change and all persons claiming benefits under the provisions hereof shall be entitled to receive only such benefits as provided by law at the time such benefits shall be paid.

**SEC. 9. Warrants—report of receipts and expenditures.** All pensions paid and all moneys drawn from the pension fund, under the provisions of this act, shall be upon warrants signed by the board of trustees, which said warrants shall designate the name of the person and the purpose for which payment is made. The treasurer of the board of trustees shall prepare annually, immediately after the first day of January, a report of the receipts and expenditures for the year ending December 31 of the previous year, showing

the money on hand, how invested, all moneys received and paid out, which said report shall be filed with the city clerk.

Approved April 7, A. D. 1909.

## CHAPTER 62.

### PENSIONS FOR DISABLED AND RETIRED POLICEMEN.

S. F. 382.

AN ACT authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions. [Additional to title five (V) of the code relating to city and town government.]

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

**SECTION 1. Tax levy—policemen's pension fund.** In all cities and towns including cities organized under special charter, now or hereafter having an organized police department, there may be annually levied at the time of the levy of other taxes for city purposes a tax not exceeding one-half of a mill on the dollar upon all taxable property within the limits of such cities and towns for the purpose of creating a policemen's pension fund. All moneys derived from taxes so levied and all moneys received as membership fees and dues as hereinafter provided and all moneys received from grants, donations, and devises, for the benefit of such fund shall constitute a fund to be known and designated as a policemen's pension fund, which said fund shall be under the control of a board of trustees and shall be exclusively devoted to and for the purposes hereinafter enumerated.

**SEC. 2. Trustees—to serve without compensation.** The chief officer of the police department, the city treasurer, and the city solicitor, or attorney, of such cities and towns shall be ex-officio members of and shall constitute the board of trustees of the policemen's pension fund. The chief officer of the police department shall be president and the city treasurer, treasurer of such board of trustees and the faithful performance of the duties of the treasurer shall be secured by his official bond as city treasurer. Such trustees shall not receive any compensation for their services as members of said board.

**SEC. 3. Investment of surplus.** The policemen's pension fund shall be kept and preserved as a separate fund. The board of trustees shall have power to invest any surplus left in such fund at the end of the fiscal year, but no part of the fund realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest bearing bonds of the United States, of the state of Iowa, of any county, township, or municipal corporation of the state of Iowa. All such securities shall be deposited with the treasurer of the board of trustees for safe keeping.

**SEC. 4. Gifts, devises and bequests—membership and annual fees.** The board of trustees may take by gift, grant, devise, or bequest, any money or property, real or personal, or other thing of value for the benefit of the policemen's pension fund. All rewards in money, fees, gifts or emoluments of every kind or nature that may be paid or given to any police department or to any member thereof, except when allowed to be retained or given to endow a medal or other permanent or competitive reward on account of extraordinary services rendered by said police department or any member thereof, and all



finer and penalties imposed upon members shall be paid into the said pension fund and become a part thereof. Every member of the paid police department of any city or incorporated town within the provisions of this act shall be required to pay to the treasurer of said fund a membership fee to be fixed by the board of trustees, not exceeding five dollars (\$5.00), and shall also be assessed and required to pay annually an amount equal to one per cent per annum upon the amount of the annual salary paid to him, which said assessment shall be deducted and retained in equal semi-annual installments out of such salary.

**SEC. 5. Who entitled to pension—amounts—how paid—exempt from liability for debts.** Any member of a police department within the provisions of this act who shall, while a member of such department and while engaged in the performance of his duties as such policeman, be injured or disabled and upon an examination by a physician appointed by the board of trustees, be found to be physically or mentally permanently disabled so as to render him unfit for the performance of duties of a policeman shall be entitled to be retired and the board of trustees shall thereupon, order his retirement and, upon being retired, shall be paid out of the policemen's pension fund of such city, monthly, a sum equal to one-half of the amount of the monthly compensation allowed such member as salary at the date of his injury or disability, if such person be a member of an organized police department in which salaries are paid to its members. If a member of such police department, retired, as above provided, because of permanent disability, shall die as a result of such injury, or if a member of such police department, while in the performance of his duties, shall be killed or die as a result of injuries received, or if a member die because of any disease contracted by reason of his occupation as a policeman and shall leave a widow or minor children or dependent father or mother surviving him, there shall be paid to the surviving widow, so long as she remains unmarried and of good moral character, a pension of twenty (\$20.00) dollars per month out of the policemen's pension fund, and there shall also be paid to the guardian of the minor children of such member, out of said fund a pension of six dollars (\$6.00) per month for each of said children until it or they reach the age of sixteen years, provided, however, that there shall not be paid to the surviving widow and minor children an aggregate sum in excess of a sum equal to one-half of the amount of the salary of such member at the time of his death or disability; and if such deceased policeman leave no widow or minor children, then there shall be paid to his dependent father and mother or to either, if one alone survives, a pension of twenty (\$20.00) dollars per month. Any member of a police department who may be entitled to benefits under the provisions of this act and who has served twenty-two years or more in such police department, of which the last five years' service shall have been continuous, may make application to the board of trustees to be retired from such police department and thereupon it shall be the duty of the board of trustees to order the retirement of such member, if it be found that he is unable to perform the duties to which he is or may be assigned, or has reached the age of fifty-five years, and upon retirement, he shall be paid a monthly pension equal to one-half the amount of salary received by him as monthly compensation at the date of his retirement. Any member of a police department entitled to be retired, under the provisions of this act, but who shall continue in service and who shall be thereafter discharged for cause other than the violation of any law of the United States or the state of Iowa, amounting to a felony, shall, upon being discharged, be entitled to, and there shall be paid to him, a monthly pension equal to one-half of the amount of salary received by him at the date of his discharge; provided, however, that the chief officer of any police department shall have the power to assign any members of the police department retired or drawing pensions

under this act to the performance of light duties in such police department in cases of extraordinary emergencies, and provided further, that, after the decease of a retired or a discharged member receiving a pension under the provisions of this act, his widow and minor child or children under sixteen years of age, or in case he leaves no widow and minor children, his dependent parent or parents, if any, shall be entitled to a pension in the amount and under the conditions heretofore provided to be paid to the surviving widow and minor children and dependent parents of a member killed or disabled in the performance of his duties. And provided further, if, at any time, there shall be insufficient funds in the policemen's pension fund to meet and pay all pensions due and owing from said fund, the board of trustees shall apportion the amount on hand in said fund among the persons entitled to such pensions in proportion to the amount to which each is entitled and the payment of such proportionate amount shall be considered a full payment of the amount then due and no liability shall thereafter exist for the unpaid portions of such pensions. All pensions paid under the provisions of this act shall be exempt from liability for debts of the person receiving the same and shall not be subject to seizure upon execution or other process.

**SEC. 6. Pension payments to begin—when.** No pension shall be paid under the provisions of this act prior to the first day of January, 1910, and no portion of the pension fund accumulated under the provisions of this act shall be expended for any purpose whatsoever prior to that time. If on that date, there are living any person or persons who would have been entitled to draw pensions under the provisions of this act, but for this limitation, pensions shall be paid to said persons from and after the first day of January, 1910, as though the right to said pensions had accrued on that date.

**SEC. 7. Retired policemen re-examined—witnesses—notice.** If any member of any police department shall have been retired by reason of physical or mental disability, the board of trustees shall have the right and power, at any time, to cause such retired member to be brought before it and again examined by competent physicians for the purpose of discovering whether such disability yet continues and whether such retired member should be continued on the pension roll, and shall also have the power to examine witnesses for the same purpose. Such retired member shall be entitled to reasonable notice that such examination will be made and to be present at the time of the taking of any testimony, shall be permitted to examine the witnesses brought before the board, and shall also have the right to introduce evidence in his own behalf. All witnesses produced shall be examined under oath and any member of such board of trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such board upon such matters shall be final and conclusive, in the absence of fraud, and no appeal shall be allowed therefrom. Such disabled member shall remain upon the pension roll unless and until reinstated in such police department by reason of such examination.

**SEC. 8. Provisions subject to alteration or change.** The provisions of this act shall be, at all times, subject to alteration or change and all persons claiming benefits under the provisions hereof shall be entitled to receive only such benefits as provided by law at the time such benefits shall accrue.

**SEC. 9. Warrants—report of receipts and expenditures.** All pensions paid and all moneys drawn from the pension fund, under the provisions of this act, shall be upon warrants signed by the board of trustees, which said warrants shall designate the name of the person and the purpose for which payment is made. The treasurer of the board of trustees shall prepare annually, immediately after the first day of January, a report of the receipts and expenditures for the year ending December 31 of the previous year, showing the

money on hand, how invested, all moneys received and paid out, which said report shall be filed with the city clerk.

Approved April 7, A. D. 1909.

## CHAPTER 63.

### PUBLICATION OF STATE AUDITOR'S REPORT OF MUNICIPAL ACCOUNTS.

S. F. 373.

AN ACT to amend section ten hundred fifty-six-a nine (1056-a9) of the supplement to the code, 1907, relating to the publication of the state auditor's report of municipal accounts.

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

**SECTION 1. Number to be printed.** That section ten hundred fifty-six-a9 (1056-a9) supplement to the code, 1907, be amended by striking out the word "three" in the eighth line of said section, and inserting in lieu thereof the word "two".

Approved April 15, A. D. 1909.

## CHAPTER 64.

### GOVERNMENT OF CERTAIN CITIES.

H. F. 2.

AN ACT to repeal sections ten hundred fifty-six-a seventeen (1056-a17), ten hundred fifty-six-a eighteen (1056-a18), ten hundred fifty-six-a twenty-one (1056-a21) and ten hundred fifty-six-a twenty-six (1056-a26), of chapter fourteen-c (14-c) of the supplement to the code, 1907, and to enact substitutes therefor, and to amend sections ten hundred fifty-six-a nineteen (1056-a19), ten hundred fifty-six-a twenty (1056-a20), ten hundred fifty-six-a twenty-four (1056-a24), ten hundred fifty-six-a twenty-five (1056-a25), ten hundred fifty-six-a twenty-eight (1056-a28), ten hundred fifty-six-a thirty-two (1056-a32), and ten hundred fifty-six-a thirty-nine (1056-a39) of chapter fourteen-c (14-c) of the supplement to the code, 1907, all relating to the government of certain cities.

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

**SECTION 1. Repeal—cities affected.** That section ten hundred fifty-six-a seventeen (1056-a-17) of chapter fourteen-c (14-c) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Cities having by the last preceding state or national census a population of seven thousand or over, including any such city acting under special charter, may become organized as a city under the provisions of this act by proceeding as hereinafter provided."

**SEC. 2. Repeal—petition—question submitted—result certified—election of officers.** That section ten hundred fifty-six-a eighteen (1056-a 18) of chapter fourteen-c (14-c) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Upon petition of electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election of any such city, the mayor shall, by proclamation, submit the question of organizing as a city under this act at a special election to be held at a time specified therein, and within two months after said petition is filed; provided,

however, that in case any city is located in two or more townships said petition shall be signed by twenty-five per centum of the qualified electors of said city residing in each of said townships. If said plan is not adopted at the special election called, the question of adopting said plan shall not be re-submitted to the voters of said city for adoption within two years thereafter, and then the question to adopt shall be re-submitted upon the presentation of a petition signed by electors as hereinbefore provided, equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding general city election. At such election, the proposition to be submitted shall be, "Shall the proposition to organize the city of (name the city), under chapter fourteen-c (14-c) of the supplement to the code, 1907, as amended by the acts of the thirty-third general assembly, be adopted?", and the election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes cast shall be in favor thereof, cities having a population of twenty-five thousand and over shall thereupon proceed to the election of a mayor and four councilmen, and cities having a population of seven thousand, and less than twenty-five thousand, shall proceed to the election of a mayor and two councilmen, as hereinafter provided. Immediately after such proposition is adopted, the mayor shall transmit to the governor, to the secretary of state, and to the county auditor, each a certificate stating that such proposition was adopted. At the next regular city election after the adoption of such proposition there shall be elected a mayor and councilmen. In the event, however, that the next regular city election does not occur within one year after such special election the mayor shall, within ten days after such special election by proclamation call a special election for the election of a mayor and councilmen, sixty days notice thereof being given in such call; such election in either case to be conducted as hereinafter provided."

**SEC. 3. Statutes relating to cities of second class applicable.** That section 1056-a19 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "first" and before the word "class" in the first line thereof the words "and second".

**SEC. 4. Elective officers.** That section 1056-a 20 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out the first sentence of said section and inserting in lieu thereof the following:

"In every city having a population of twenty-five thousand and over there shall be elected at the regular biennial municipal election a mayor and four councilmen, and in every city having a population of seven thousand and less than twenty-five thousand, there shall be elected at such election a mayor and two councilmen."

**SEC. 5. Repeal—candidates—how nominated—primary election—ballot—canvass of vote—result published—municipal election.** That section ten hundred fifty-six-a twenty-one (1056-a 21) of the supplement to the code, 1907, be repealed and the following enacted in lieu thereof:

"Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of this act shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the general municipal election. The judges of election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for said general municipal election. Any person desiring to become a candidate for mayor or councilman shall, at least ten days prior to said primary election,

file with the said clerk a statement of such candidacy, in substantially the following form:

STATE OF IOWA, {  
 .....COUNTY, { ss.

I (—) being first duly sworn, say that I reside at....street, city of..... county of....., state of Iowa; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the.....Monday of..... 19., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me by.....on this.....day of.....19...

(Signed).....

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

PETITION ACCOMPANYING NOMINATING STATEMENT.

The undersigned, duly qualified electors of the city of.....and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the.....Monday of.....19... We further state that we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

| Names of Qualified Electors. | Number. | Street. |
|------------------------------|---------|---------|
| .....                        |         |         |

Immediately upon the expiration of the time of filing the statements and petitions for candidacies, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballot, and if there be no daily newspaper, then in two issues of any other newspapers that may be published in said city; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac-simile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words, "Vote for four", or "Vote for two" as the case may be. The ballot shall be printed upon plain, substantial white paper, and shall be headed:

CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN OF.....  
 CITY AT THE PRIMARY ELECTION

but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

OFFICIAL PRIMARY BALLOT.

CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN OF..... CITY AT THE PRIMARY ELECTION.

For Mayor

[ ] (Name of candidate) (Vote for one)

For Councilman

[ ] (Name of candidate) (Vote for four) or (Vote for two) as the case may be.

Official ballot attest.

(Signature) ..... City Clerk.

Having caused said ballots to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election, the said city clerk shall canvass said returns so received from all the polling precincts, and shall make and publish in all the newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, and in cities having a population of twenty-five thousand and over, the eight candidates receiving the highest number of votes for councilman, or all such candidates if less than eight, and in cities having a population of seven thousand and less than twenty-five thousand, the four candidates receiving the highest number of votes for councilman, or all such candidates if less than four, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for councilman at such municipal election. All electors of cities under this act who by the laws governing cities of the first and second class and cities acting under special charter would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act; and the ballot at such general municipal election shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precinct, voting places, method of conducting election, canvassing the vote and announcing the results, shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act."

SEC. 6. Council—quorum. That section 1056-a 24 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out all of said section beginning with the word "every" in the first line thereof down to and including the word "act" in the seventh line of said section and inserting in lieu thereof the following:

"Every city having a population of twenty-five thousand and over shall be governed by a council consisting of the mayor and four councilmen, and every city having a population of seven thousand and less than twenty-five thousand shall be governed by a council consisting of the mayor and two councilmen, chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. In cities having four councilmen three members of the council shall constitute a quorum, and in cities having two councilmen, two members of the council shall constitute a quorum, and in cities having four councilmen the affirmative vote of three members, and in cities having two councilmen the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure unless a greater number is provided for in this act."

**SEC. 7. Council—powers and duties.** That section 1056-a 25 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out all of said section beginning with the word "The" in the first line thereof and closing with the word "charter" in the eighth line thereof and inserting in lieu thereof the following:

"The council shall have and possess, and the council and its members shall exercise all executive, legislative and judicial powers and duties now had, possessed and exercised by the mayor, city council, solicitor, assessor, treasurer, auditor, city engineer and other executive and administrative officers in cities of the first and second class, and in cities under special charter, and shall also possess and exercise all executive, legislative and judicial powers and duties now had and exercised by the board of public works, park commissioners, the board of police and fire commissioners, board of water works trustees, and board of library trustees in all cities wherein a board of public works, park commissioners, board of police and fire commissioners, board of water works trustees, and board of library trustees now exist or may be hereafter created."

**SEC. 8. Repeal—department superintendents—officers and assistants.** That section 1056-a 26 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:

"The mayor shall be superintendent of the department of public affairs, and the council shall at the first regular meeting after election of its members designate by majority vote one councilman to be superintendent of the department of accounts and finances; one to be superintendent of the department of public safety; one to be superintendent of the department of street and public improvements; and one to be superintendent of the department of parks and public property; provided, however, that in cities having a population of less than twenty-five thousand there shall be designated to each councilman two of said departments. Such designation shall be changed whenever it appears that the public service would be benefited thereby. The council shall, at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: A city clerk, solicitor, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of fire department, market master, street commissioner, three library trustees, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city; provided, however, that in cities having a population of less than twenty-five thousand such only of the above named officers shall be appointed as may, in the judgment of the mayor and councilmen be necessary for the proper and efficient transaction of the affairs of the city. In those cities of the first class not having a superior court, the council shall appoint a police judge. In cities of the second class not having a superior court the mayor shall hold police court, as now provided by law. Any officer or assistant elected or appointed by the council may be removed from office at any time by vote of a majority of the members of the council, except as otherwise provided for in this act."

**SEC. 9. Office in city hall—salaries.** That section ten hundred fifty-six-a twenty-eight (1056-a 28) of chapter fourteen-c (14-c) of the supplement to the code, 1907, be and the same is hereby amended by striking out all of said section beginning with the word "The" in the first line thereof, and ending with the figures and dollar mark "\$3,000", in the third line from the top of page 214 as the same appears in the supplement to the code, 1907, and inserting in lieu thereof the following:

"The mayor and councilmen shall have an office at the city hall, and their total compensation shall be as follows: In cities having by the last preceding state or national census a population of 7,000 and less than 10,000 the mayor's annual salary shall be \$600.00, and each councilman \$450.00. In cities having by such census a population of 10,000 and less than 15,000 the mayor's annual salary shall be \$1,200.00 and each councilman \$900.00. In cities having by such census a population of 15,000 and less than 25,000 the mayor's annual salary shall be \$1,500.00 and each councilman \$1,200.00. In cities having by such census a population of 25,000 and less than 40,000 the mayor's annual salary shall be \$2,500.00 and each councilman \$1,800.00. In cities having by such census a population of 40,000 and less than 60,000, the mayor's annual salary shall be \$3,000.00, and each councilman \$2,500.00, and in cities having by such census a population of 60,000 or more the mayor's annual salary shall be \$3,500.00 and that of councilman \$3,000.00."

**SEC. 10. Civil service commissioners—terms.** That section 1056-a 32 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out the first two sentences thereof and inserting in lieu thereof the following:

"In cities having a population of twenty-five thousand and over the council shall, and in cities having a population of seven thousand and less than twenty-five thousand, the council may, immediately after organizing, by ordinance appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year after his appointment, one until the first Monday in April of the fourth year after his appointment, and one until the first Monday in April of the 6th year after his appointment; provided, however, that in all cases in which no civil service commissioners are appointed by the council, the council shall have the same powers and shall exercise and perform all the duties devolving upon such commissioners, as provided for in this act. In cities wherein civil service commissioners have been appointed under the provisions of this act each succeeding council shall, as soon as practicable after organizing, appoint one commissioner for six years, who shall take the place of the commissioner whose term of office expires."

**SEC. 11. Abandonment of commission plan of government.** That section 1056-a 39 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out all of that portion of said section beginning with the word "Shall" in the ninth line thereof and closing with the word "charter" in the twelfth line and inserting in lieu thereof the following: "Shall the city of (name of city) abandon its organization under chapter 14-c of the supplement of the code, 1907, as amended by the acts of the thirty-third general assembly, and become a city under the general law governing cities, or if now organized under special charter shall resume said special charter?"

**SEC. 12. In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register & Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 30, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 1, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.



CHAPTER 65.

RECALLING OF ELECTIVE OFFICERS IN CERTAIN CITIES.

H. F. 508.

AN ACT to amend the law as it appears in section ten hundred fifty-six-a thirty-six (1056-a36) of the supplement to the code, 1907, relating to the government of certain cities and the recalling of elective officers therein.

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

SECTION 1. **Statement of candidacy—petition—ballot—form.** That section ten hundred fifty-six-a thirty-six (1056-a 36) of the supplement to the code, 1907, be amended by inserting after the word "elections" at the end of the thirty-fourth (34) line in said section the following:

"So far as applicable, except as otherwise herein provided, nominations hereunder shall be made without the intervention of a primary election by filing with the clerk at least ten (10) days prior to said special election, a statement of candidacy accompanied by a petition signed by electors entitled to vote at said special election equal in number to at least ten per centum of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, which said statement of candidacy and petition shall be substantially in the form set out in section ten hundred fifty-six-a twenty-one (1056-a 21) of the supplement to the code, 1907, so far as the same is applicable, substituting the word 'special' for the word 'primary' in such statement and petition, and stating therein that such person is a candidate for election instead of nomination.

The ballot for such special election shall be in substantially the following form:

OFFICIAL BALLOT.

Special election for the balance of the unexpired term of.....  
as.....

For.....

(Vote for one only)

(Names of candidates)

.....  
 .....

Name of present incumbent.

Official ballot attest:

(Signature)

.....

City Clerk."

Sec. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and approval and publication in the Des Moines Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 21, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 66.

## ADDITIONAL POWERS OF CITIES ORGANIZED UNDER COMMISSION PLAN OF GOVERNMENT.

H. F. 473.

AN ACT to confer additional powers on certain cities organized under chapter forty-eight (48) of the acts of the thirty-second general assembly of Iowa as the same appears in chapter fourteen-c (14-c) of title five (V) of the supplement to the code, 1907, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under chapter two hundred ten (210) of the acts of the twenty-ninth general assembly of Iowa as the same appears in chapter nine-a (9-a) of title five (V) of the supplement to the code, 1907, and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund.

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

**SECTION 1. River front improvement.** That all cities, which have heretofore been organized and acting under special charters and which have heretofore, or shall hereafter adopt the plan of government provided in chapter forty-eight (48) of the acts of the thirty-second general assembly of Iowa, as the same appears in chapter 14-c, title V of the supplement to the code, 1907, and in which river front improvement commissions have been or shall hereafter be organized, under chapter two hundred ten (210) of the acts of the twenty-ninth general assembly of Iowa, as the same appears [in] chapter 9-a, title V of the supplement to the code, 1907, shall have and may exercise all the rights and powers conferred by said act on the said river front improvement commission, and all such rights and powers are hereby transferred to and vested in the city council of any such city or cities. Said council shall have the power to elect and shall elect a commission of three persons, to be known as the "river front improvement commission," whose duties shall be to carry out the powers and duties with respect to the beds and banks of streams in such cities, herein conferred upon said city council, or such limited powers in respect thereto as the council may prescribe by ordinance. Said commission shall be elected biennially on the first Tuesday in May, and shall hold office for a term of six years and until their successors are elected and qualified. The members of the river front improvement commission shall be elected, one for two years, and one for four years, and one for six years.

**SEC. 2. Control over meandered streams—assessment of benefits—tax levy.** Every city specified in section one (1) of this act shall have control of all the meandered streams within the boundaries thereof, and of the beds, banks and waters of such streams. Said cities shall have power to prevent the placing or maintenance of nuisances and obstructions in such streams, or on or along the banks thereof, and to abate and remove such nuisances or obstructions therefrom, and to recover the expense thereof from the person or persons causing, placing or maintaining such nuisances therein or thereon; to deepen, widen, straighten or change the channels of such streams; to improve and beautify the banks of such streams; to construct levees, embankments and other works to protect the city and its property and its inhabitants and their property from floods; to acquire and take by purchase or condemnation any real property necessary for any such works or improvements; to assess upon property benefited by any such works or improvements, the cost thereof, to

the extent of the special benefits conferred thereby, but not in excess of such special benefit and not in excess of twenty-five (25%) per cent of the actual value of the property benefited; to provide funds for any of the expenditures herein authorized, by levy upon all the taxable property in such city of a continuous tax of not more than two mills on the dollar, each year for not more than ten years, and to issue bonds in anticipation of such tax, and to pledge the proceeds of said tax to the payment of said bonds. The said special tax levy and the issuance of bonds in anticipation thereof and the general plans recommended by the river front improvement commission and the estimated costs of said improvement based upon surveys, plans and estimates made by the city engineer, shall be provided for by ordinance.

**SEC. 3. Tax sales.** Whenever any property shall have been heretofore sold for any taxes or special assessment by any city specified in section one (1) of this act, or by the treasurer thereof, the county treasurer shall have the power and it shall be his duty to collect said taxes and on any such sale to issue tax sale deeds therefor in the same manner and under the same provisions of law as are or may hereafter be applicable to tax sales made by the county treasurer, and any tax sale deed heretofore or hereafter issued on any such sale shall have the same force and effect as though the tax sales had been made by the county treasurer. Redemptions from such tax sales shall be made as from sales made by the county treasurer.

**SEC. 4. Road districts—special tax.** The council, or any city specified in section one (1) of this act, shall have the power to divide the city into not less than five (5) road districts for the purpose of cleaning, sprinkling and repairing the streets and public places, or any of said purposes and to provide for the manner of doing the same and for the payment of the cost thereof out of the district road fund, and shall determine the amount of money necessary for such purposes in each district; and such city council may levy a special tax not exceeding two (2) mills on the dollar on all taxable property in each of said road districts, to be known as the "road district fund" and to be used only to pay the cost of cleaning, sprinkling and repairing the streets and public places in such districts.

**SEC. 5. Fire department—special tax—aggregate levy.** The council of any city, specified in section one (1) of this act, shall have the power to levy a special tax upon all taxable property in said city, not exceeding six (6) mills on the dollar each year, for the purpose of acquiring property for the use of the fire department and equipping and maintaining such department. But the levies of general and special taxes in such cities shall not exceed, in the aggregate forty-eight (48) mills on the dollar of the taxable value of the property therein.

**SEC. 6. Transfer of special taxes heretofore levied.** That, in order to adjust the finances of any city specified in section one (1) of this act, the city council thereof may, by a three-fourths ( $\frac{3}{4}$ ) vote of all its members, transfer any special tax heretofore, but not hereafter, levied from the improvement and grading fund, when the same is not needed and cannot be used therein for the best interests of the city, to the fire department fund or general fund.

**SEC. 7. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Cedar Rapids Republican and the Evening Gazette, newspapers published at Cedar Rapids, Iowa.

Approved April 1, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 2, A. D. 1909, in the Cedar Rapids Gazette April 2, A. D. 1909, and in the Cedar Rapids Republican April 3, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 67.

## ADDITIONAL POWERS OF CITIES ORGANIZED UNDER COMMISSION PLAN OF GOVERNMENT.

S. F. 208.

AN ACT to amend the law as it appears in title five (V), chapter fourteen-c (14-c) of the supplement to the code, 1907, relating to the government of certain cities, and conferring additional powers upon such cities.

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

**SECTION 1. Protection against floods—division of work into districts.** That the law as it appears in title V, chapter fourteen-c (14-c) of the supplement to the code, 1907, be amended by adding thereto the following additional provisions for the government of cities now or hereafter organized under said act:

That whenever in any such city proceedings have been or shall be begun for the purpose of providing flood protection under the provisions of chapter eight-a of title V of the supplement to the code, 1907, the council shall have power after the election in said chapter provided for has been had, and without again submitting the matter at an election, to divide the work into sections or districts, and determine what property will be benefited by the work or improvement in each section or district; to omit parts of said work or any section or district; and to contract for any section or district separately and proceed therewith the same as if the entire work or improvement was contracted for, done or made.

**SEC. 2. Special assessments.** That in all cases where special assessments are authorized and no other mode of proceeding is provided by law, the assessment shall be made as near as practicable in the manner provided for assessing the cost of street improvement and sewers.

**SEC. 3. Certificates for repair of bridges.** That any such city shall have power to issue certificates as provided in sections seven hundred fifty-eight-a, seven hundred fifty-eight-b, seven hundred and fifty-eight-c, of the supplement to the code, 1907, for the whole or any part of the expense of repairing bridges.

**SEC. 4. Street railway to construct or repair paving or flooring.** That in every such city the owner of any street railway occupying or using any bridge shall construct, reconstruct and repair the paving or flooring on said bridge three and one-half feet each way from the center line of the space between the rails of its tracks, the same to be ordered, done, assessed and paid for in the manner provided for paving in sections eight hundred thirty-four and eight hundred thirty-five of the code.

**SEC. 5. Park tax—cemetery tax.** That in addition to the taxes now or hereafter authorized by law every such city shall have the power to levy upon all taxable property therein the following taxes, viz., a tax of not more than one and five-tenths mills on the dollar for the purpose of caring for and improving the parks of said city; a tax of not more than one mill on the dollar for the purpose of caring for and improving any cemetery owned by such city.

**SEC. 6. Cemetery fund—how invested.** That every such city shall have power to create a fund from tax levies heretofore or hereafter authorized for cemeteries or from the sale of lots in cemeteries, or from sources, including bequests or donations for the permanent maintenance of cemeteries, and the fund thus created shall not be used for any other purpose; and the city council shall have authority to cause such accumulations to be invested in bonds of the United States or in municipal bonds or certificates or other evidence of

indebtedness issued by authority of and according to law of this or any other state when such bonds are at or above par.

**SEC. 7. Power to lease city property.** That any such city, by a two-thirds vote of its council shall have authority to lease any city property for a term of not exceeding one year, from the date of leasing the same, wherein the judgment of the council expressed by a two-thirds vote thereof, any such property may not be needed for the immediate use of such city.

Approved April 8, A. D. 1909.

## CHAPTER 68.

### COMMENCEMENT OF TERMS OF OFFICE.

S. F. 338.

AN ACT to amend the law as it appears in section ten hundred sixty (1060) of the supplement to the code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.

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

**SECTION 1. Term of office.** That the law as it appears in section ten hundred sixty (1060) of the supplement to the code, 1907, be amended by striking out in the second line thereof the words, "first Monday" and inserting in lieu thereof the words, "second secular day".

**SEC. 2. Acts in conflict repealed.** All parts of acts in conflict with this act are hereby repealed.

Approved April 16, A. D. 1909.

## CHAPTER 69.

### PRIMARY ELECTIONS.

S. F. 113.

AN ACT to amend the law as it appears in sections one thousand eighty-seven-a one (1087-a1), one thousand eighty-seven-a five (1087-a5), one thousand and eighty-seven-a six (1087-a6), one thousand eighty-seven-a ten (1087-a10), one thousand eighty-seven-a twelve (1087-a12), one thousand eighty-seven-a fourteen (1087-a14), one thousand eighty-seven-a nineteen (1087-a19), one thousand eighty-seven-a twenty-one (1087-a21), one thousand eighty-seven-a twenty-two (1087-a22), one thousand eighty-seven-a twenty-three (1087-a23), one thousand eighty-seven-a twenty-four (1087-a24), one thousand eighty-seven-a twenty-five (1087-a25), one thousand eighty-seven-a twenty-six (1087-a26), and one thousand eighty-seven-a twenty-seven (1087-a27) of the supplement to the code, 1907, and to repeal the law as it appears in sections one thousand eighty-seven-a thirteen (1087-a13), one thousand eighty-seven-a fifteen (1087-a15) and one thousand eighty-seven-a eighteen (1087-a18) of the supplement to the code, 1907, and to enact substitutes therefor, all relating to the holding of primary elections by political parties.

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

**SECTION 1. Offices affected.** That the law as it appears in section one thousand eighty-seven-a 1 (1087-a 1) of the supplement to the code, 1907, be, and the same is hereby amended by striking out of said section all after the period following the word "provided," in the fourteenth line thereof.

**SEC. 2. Expenses—compensation of judges and clerks.** That the law as it appears in section one thousand eighty-seven-a 5 (1087-a 5) of the supplement to the code, 1907, be, and the same is hereby amended by striking [out] the comma following the word "election" in the sixth line of said section, and inserting

in lieu thereof a period; and by striking out of said section all after said period and inserting in lieu thereof the following:

"The expenses of the primary election shall be audited by the board of supervisors of each county and be paid the same as the expenses of the general election. The compensation of the judges and clerks of the primary election shall be the sum of twenty-five cents per hour for all official services rendered by any such judge or clerk at any such election."

**SEC. 3. Polls open.** That the law as it appears in section one thousand eighty-seven-a 6 (1087-a 6) of the supplement to the code, 1907, be, and the same is hereby amended by striking out of said section the certain figures, characters, letters, and words after the word "from" and before the article "the" in the seventh line of said section, to-wit: "1:00 p. m. to 8:00 p. m." and inserting in lieu thereof the following: "nine o'clock a. m. to eight o'clock p. m."

**SEC. 4. Nomination papers—when destroyed—affidavit of candidacy—when filed.** That the law as it appears in section one thousand eighty-seven-a 10 (1087-a 10) of the supplement to the code, 1907, be and the same is hereby amended by inserting a comma immediately after the word "county" in the eighteenth line of said section and by inserting immediately after said comma the following: "or a candidate for party committeeman,"; and by striking out from said section all of line sixty-one after the word "am"; and by adding to said section after the period at the end thereof, the following: "All nomination papers shall be destroyed at the same time and in the manner in which the primary election ballots are destroyed."; and by striking out the word "thirty" in line fifty-four and inserting in lieu thereof the word "fifteen".

**SEC. 5. Nominations certified to county auditor—order on ballot designated—notice published.** That the law as it appears in section one thousand eighty-seven-a 12 (1087-a 12) of the supplement to the code, 1907, be and the same is hereby amended by striking out of said section all after the period following the word "nomination" at the end of the seventh line of said section, and inserting in lieu thereof the following:

"Such lists shall also designate the order in which the names of all candidates for the office of senator in the congress of the United States and for offices to be filled by the voters of the entire state shall be arranged and printed upon the primary election ballots in each county, in the following manner, to-wit: The secretary of state shall prepare a list of the counties of the state for each political party by arranging the various counties in the order of the vote cast by each political party in each county for its candidate for governor at the last preceding general election, or for the head of the ticket of any political party when it had no candidate for governor at such election, numbering the counties consecutively on each list from 1 to 99, both inclusive, beginning with the county which cast the largest vote, which shall be numbered '1'. He shall then arrange the surnames of such candidates in alphabetical order for the respective offices for the several political parties for the first county on the respective lists; thereafter, for each succeeding county, the names appearing first for the respective offices in the last preceding county shall be placed last, so that the names that occupied second position before the change shall occupy first position after the change. Such auditor shall forthwith publish a proclamation of the time of holding the primary election, the hours during which the polls will be open, the offices for which candidates are to be nominated and that the primary election will be held in the regular polling places in each precinct. Such notice shall be published once each week for two consecutive weeks before the primary election, in not to exceed two newspapers of general circulation in such county. One of such newspapers shall represent the political party which cast the largest vote in such county

at the last preceding general election, and the other, if any, that shall represent the political party which cast the next largest vote in such county at such general election. The county auditor shall correct any errors or omissions in names of candidates and any other errors brought to his knowledge before the printing of the ballots."

**SEC. 6. Repeal—printing—order of names on ballot.** That the law as it appears in section one thousand eighty-seven-a 13 (1087-a 13) of the supplement to the code, 1907, be, and the same is hereby, repealed and the following enacted as a substitute therefor:

"The names of the candidates of each political party for nomination for the several offices, and for party committeemen and blank spaces for the delegates to the county convention shall be printed in black ink on separate sheets of paper, uniform in color, quality, texture and size, with the name of the political party printed at the head of said ballots, which ballots shall be prepared by the county auditor in the same manner as for the general election, except as in this chapter otherwise provided. The names of candidates for the office of senator in the congress of the United States and for offices to be filled by the voters of the entire state shall be arranged and printed on the primary election ballots in the order in which they are certified by the secretary of state. The names of candidates for offices to be filled by the voters of a county, and by the voters of any district of the state composed of more than one county, shall be arranged and printed upon the primary election ballots in the following manner, to-wit: The county auditor shall prepare a list of the election precincts of his county, by arranging the various townships, towns and cities in the county in alphabetical order and the wards or precincts of each city, town or township in numerical order under the name of such city, town or township. He shall then arrange the surnames of all candidates for such offices alphabetically for the respective offices for the first precinct in the list; thereafter, for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The names of candidates for all offices to be filled by the voters of a territory smaller than a county shall be arranged and printed alphabetically according to the surnames for the respective offices."

**SEC. 7. Ballot—form.** That section one thousand eighty-seven-a 14 (1087-a 14) of the supplement to the code, 1907, be, and the same is hereby, amended by striking from said section the dotted line and square before it at the end of said section, and inserting in lieu thereof the following:

|                          |             |
|--------------------------|-------------|
| <input type="checkbox"/> | John Doe    |
| <input type="checkbox"/> | Richard Roe |
| <input type="checkbox"/> | .....       |

**SEC. 8. Repeal—sample ballots.** That the law as it appears in section one thousand eighty-seven-a 15 (1087-a 15) of the supplement to the code, 1907, be, and the same is hereby, repealed and the following enacted as a substitute therefor:

"After the printing of the official ballots, the county auditor shall change a sufficient number thereof to supply each voting precinct in the county with ten sample ballots of each political party. The auditor shall change the same by writing or stamping the words "sample ballot" in red ink near the top of each of such ballots, and by signing his name or stamping a fac simile thereof and his title of office immediately thereunder. Such sample ballots shall not

be voted, received or counted in any primary election. The county auditor shall distribute such sample ballots with the official ballots, and it shall be the duty of the judges of election to see that such sample ballots are posted in and about the polling places upon the day of the primary election and before the opening of the polls."

**SEC. 9. Repeal—recount of ballots.** That the law as it appears in section one thousand eighty-seven-a 18 (1087-a 18) of the supplement to the code, 1907, be, and the same is hereby, repealed and the following enacted as a substitute therefor:

"Any candidate whose name appears upon the official primary ballot of any voting precinct may require the board of supervisors of the county in which such precinct is situated to recount the ballots cast in any such precinct as to the office for which he was a candidate, at the time fixed for canvassing the returns of the judges of election, by filing with the county auditor not later than the day before such meeting, a showing in writing, duly sworn to by such candidate, that fraud was committed, or error or mistake made, in counting or returning the votes cast in any such precinct as to the office for which he was a candidate. The showing must be specified and from it there must appear reasonable ground to believe that a recount of the ballots would produce a result as to his candidacy different from the returns made by the judges. If such showing is made to the satisfaction of the board, it shall thereupon recount the ballots cast in any such precinct for the office for which the contestant was a candidate, and if the result reached by the board on the recount of the ballots as to such office be different from that returned by the judges of election it shall be substituted therefor as the true and correct return and so regarded in all subsequent proceedings. The action of the board shall be final and no other contest of any kind shall be permitted. The term 'candidate' as used in this section shall include and apply to persons voted for for delegates and party committeemen."

**SEC. 10. Certificates.** That the law as it appears in section one thousand eighty-seven-a 19 (1087-a 19) of the supplement to the code, 1907, be, and the same is hereby, amended by inserting after the comma following the word "nominated" and before the word "together" in the twenty-sixth line of said section the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all the votes cast by such party for such office".

**SEC. 11. Published proceedings—what to contain.** That the law as it appears in section one thousand eighty-seven-a 21 (1087-a 21) of the supplement to the code, 1907, be, and the same is hereby, amended by adding after the period at the end of said section the following:

"The published proceedings of the board of supervisors as a canvassing board shall contain only a brief statement of the names of the candidates nominated by the electors of any county or subdivision thereof under the title of the office for which they are nominated, and a statement of the title of the office for which they are nominated, and a statement of the title of the county offices, if any, for which no nomination was made by any political party participating in the primary election for the failure of any one of its candidates for any office to receive thirty-five per centum of all the votes cast by the party for such office".

**SEC. 12. Certificates.** That the law as it appears in section one thousand eighty-seven-a 22 (1087-a 22) of the supplement to the code, 1907, be and the same is hereby, amended by inserting after the comma following the word "nominated" and before the word "together" in the twenty-fourth line of said section, the following: "By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party for such office" and by adding after the period at the end of



said section the following: "The candidate of any party for the office of senator in the congress of the United States having received the highest number of votes of his party in the state, shall be the nominee of his party for such office and the secretary of state shall certify the result of said primary election as to such office to the next convening general assembly."

**SEC. 13. Vacancies.** That the law as it appears in section one thousand eighty-seven-a 24 (1087-a 24) of the supplement to the code, 1907, be, and the same is hereby, amended by striking from said section all after the period following the word "be" in the fourth line of said section down to and including the word "occurs" in the eight line and inserting in lieu thereof the following:

"Vacancies occurring in nominations made in the primary election before the holding of the county, district or state convention, shall be filled by the county convention if the office in which the vacancy in nomination occurs is to be filled by the voters of the county; by a district convention if the office in which the vacancy in nomination occurs is to be filled by the voters of a district composed of more than one county; by the state convention if the office in which the vacancy occurs is to be filled by the voters of the entire state. Vacancies in nominations in such offices occurring after the holding of a county, district or state convention, or on failure of any such convention to fill a vacancy in a nomination, as aforesaid, then it shall be filled by the party committee for the county, district or state, as the case may be. If a vacancy shall occur in any such office too late for the filing of nomination papers for candidates therefor in the primary election and before the holding of a county, district or state convention, as the case may be, then the convention having jurisdiction shall make nomination for such office; and if a vacancy in any such office shall occur after the holding of a county, district or state convention, then nomination for such office may be made by the party committee for the county, district or state, as the case may be. Vacancies in nominations for offices to be filled by the voters of a territory smaller than a county shall be filled by the members of the party committee for the county from such subdivision. Nominations made as above provided and as provided in sections one thousand eighty-seven-a 25 (1087-a 25), one thousand eighty-seven-a 26 (1087-a 26) and one thousand eighty-seven-a 27 (1087-a 27) of the supplement to the code, 1907, shall be certified forthwith to the proper officer by the chairman and secretary of the convention or committee as the case may be, and if received in time shall be printed upon the official ballots the same as if the nomination had been made in the primary election. Such certificate of nomination shall state the name, place of residence, and post office address of the person nominated, the office to which he is nominated and the name of the political party making the nomination."

**SEC. 14. County convention—delegates—committeemen.** That the law as it appears in section one thousand eighty-seven-a 25 (1087-a 25) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word "third" in the fifth line of said section and inserting in lieu thereof the word "fourth"; and by inserting after the period following the word "convention" and before the word "one" in the nineteenth line of said section the following: "The term of office of such delegates shall begin on the day following the final canvass of the votes by the board of supervisors, and shall continue for two years and until their successors are elected"; and by inserting a period after the word "elected" in the twentieth line of said section; and by striking from said section all after said period to the word "his" in the twenty-first line; and by inserting after the period following the word "position" and before the word "returns" in the twenty-seventh line of said section the following: "The county central committee elected in the primary election shall organize on the day

of the convention, immediately following the same. Vacancies in such committee may be filled by majority vote of the committee"; and by striking out the words "such returns are filed" following the word "after" and before the word "notify" in the thirty-second line, and inserting in lieu thereof the words "the final count and canvass of the votes and returns by the board of supervisors"; and by changing the period following the word "election" in the forty-second line of said section to a comma and inserting after said comma and before the word "if" in the same line, the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by inserting after the comma following the word "election" and before the word "as" in the forty-seventh line of said section the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor,"; and by adding to said section after the period at the end thereof, the following: "but in no case shall the county convention make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the superior and district courts.;" and by inserting after the word "thereof" and before the word "thus" in line thirty-seven the following: "or when delegates representing a majority of the precincts".

**SEC. 15. District convention.** That the law as it appears in section one thousand eighty-seven-a 26 (1087-a 26) of the supplement to the code, 1907, be and the same is hereby amended, by inserting after the comma following the word "states" and the word "as" in the twenty-second line of said section, the following: "By reason of the failure of any candidate for any office to receive thirty-five per centum of all votes cast by his party therefor," and by inserting after the word "election" in the thirty-first line of said section a comma and immediately following said comma and before the word "as" in the same line, the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by adding to said section after the period at the end thereof, the following: "But in no case shall any such convention of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the district court."

**SEC. 16. State convention.** That the law as it appears in section one thousand eighty-seven-a 27 (1087-a 27) of the supplement to the code, 1907, be, and the same is hereby amended by striking out the words, "third Thursday" at the end of the third line of said section, and inserting in lieu thereof the words, "first Wednesday," and by striking out the words and language, "Thursday following primary election," following the word "fifth" in the fourth line of said section, and inserting in lieu thereof the following: "Wednesday following the county convention," and by inserting a comma after the word "election" in the sixteenth line of said section and inserting after said comma and before the word "as" in the same line, the following: "By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by adding to said section after the period at the end thereof, the following: "But in no case shall the state convention of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the supreme court."

**SEC. 17. Nominations certified to county auditor.** That the law as it appears in section one thousand eighty-seven-a 23 (1087-a 23) of the supplement to the code, 1907, is hereby amended by inserting after the word "convention" in line ten and before the comma following it the words, "or party committee".

Approved April 16, A. D. 1909.

## CHAPTER 70.

## FORMATION OF ELECTION PRECINCTS.

S. F. 297.

AN ACT to amend section ten hundred and ninety (1090) of the code, relating to the formation of election precincts.

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

**SECTION 1. Election precincts.** That section ten hundred and ninety (1090) of the code be amended by striking out the period (.) after the word "thereof" in line thirteen (13) and substituting a comma (,) therefor and adding after such comma (,) the following:

"Except that where an incorporated town embraces within its limits territory situated in different townships of any county, the board of supervisors may, for the convenience of the electors, constitute such town and, if desired, additional territory thereto abutting, into an election precinct. The board of supervisors in the order establishing such precinct shall define its boundaries and may change same if in their judgment occasion arises. In such cases, separate ballots and ballot boxes shall be provided for voting for township officers, only."

Approved April 16, A. D. 1909.

## CHAPTER 71.

## POLLING PLACES FOR COUNTRY PRECINCTS.

H. F. 201.

AN ACT to repeal section ten hundred ninety-one (1091) of the code, relative to polling places for country precincts and to enact a substitute therefor.

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

**SECTION 1. Repeal—polling places for country precincts.** That section ten hundred ninety-one (1091) of the code be and the same is hereby repealed and the following is enacted in lieu thereof:

"Polling places for precincts outside the limits of a city, but within the township, or originally within and set off as a separate township from the township in which the city is in whole or in part situated, may, for the convenience of the voters, be fixed at some room or rooms in the courthouse or in some other building within the limits of the city as the board of supervisors may provide."

Approved April 6, A. D. 1909.

## CHAPTER 72.

## VOTING MACHINES.

H. F. 252.

AN ACT to amend the law as it appears in section eleven hundred thirty-seven-a seven (1137-a7) of the supplement to the code, 1907, relating to elections and voting machines.

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

**SECTION 1. Use at primary elections authorized.** That the law as it appears in section 1137-a-7 of the supplement to the code, 1907, be and the same is hereby amended by inserting after the comma following the word "town" in the second line of said section the word "primary".

Approved March 29, A. D. 1909.

## CHAPTER 73.

## DESTRUCTION OF BALLOTS.

H. F. 439.

AN ACT to amend section eleven hundred forty-three (1143) of the code relating to destruction of ballots.

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

**SECTION 1. Destruction of primary election ballots.** That section eleven hundred forty-three (1143) of the code be, and the same is hereby amended, by inserting after the word "burning", in the eleventh line of the said section, the words "provided however that the ballots cast at a primary election shall, where no contest is pending, be destroyed ten days prior to the holding of the general election following the primary election at which said ballots were cast."

Approved April 15, A. D. 1909.

## CHAPTER 74.

## QUALIFICATION OF PUBLIC OFFICERS.

H. F. 73.

AN ACT to amend the law as it appears in section eleven hundred seventy-seven (1177) of the code relating to the qualifications of public officers.

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

**SECTION 1. Date of qualification.** That the law as it appears in section eleven hundred seventy-seven (1177) of the code be, and the same is hereby, amended by striking out in the fourth and fifth lines thereof the words, "first Monday in January following their election" and inserting in lieu thereof the words, "second secular day in January of the first year of the term for which such officers were elected".

Approved March 25, A. D. 1909.

## CHAPTER 75.

## OFFICERS' BONDS.

H. F. 162.

AN ACT to repeal section one thousand one hundred eighty-five (1185) of the code and to enact a substitute therefor; to repeal section one thousand one hundred eighty-eight (1188) of the code, and to enact a substitute therefor; to repeal section one thousand one hundred ninety-six (1196) of the code and to enact a substitute therefor, relating to officers' bonds.

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

**SECTION 1. Repeal—bonds of county and municipal officers.** That section one thousand one hundred eighty-five (1185) of the code be and the same is hereby repealed, and the following enacted in lieu thereof:

"The bonds of the following county officers, viz., treasurers, clerks of the district courts, county attorneys, recorders, coroners, surveyors, auditors, superintendents of schools, sheriffs, justices of the peace and constables, and city, town and township assessors, shall each be in a penal sum to be fixed by the board of supervisors; but those of treasurers, clerks of the district

courts, county auditors, sheriffs and county attorneys shall not be in a less sum than five thousand dollars (\$5,000) each; and those of justices and constables, not less than five hundred dollars each. The bonds of all municipal officers who are required to give bonds shall each be in such penal sum as may be provided by law or as the council shall from time to time prescribe by ordinance, provided that the bonds of mayors shall not be in less sum than five hundred dollars each. If any county treasurer shall elect to furnish a bond with any association or incorporation as surety as provided in this chapter the reasonable cost of such bond shall be paid by the county where the bond is filed."

**SEC. 2. Repeal—form—approval.** That section one thousand one hundred eighty-eight (1188) of the code be and the same is hereby repealed, and the following enacted in lieu thereof:

"All official bonds shall run to the state, and be for the use and benefit of any corporation, public or private, or person injured or sustaining loss, with a right of action in the name of the state for its or his use. Those given by state and district officers shall be approved by the governor; those of county officers, township clerk and assessor, by the board of supervisors; those of other township officers by the township clerk; and those of city and town officers by the mayor, or as may be provided by ordinance, except that the bond of the mayor shall be approved by the council. All bonds shall be approved or disapproved within five days after their presentation for that purpose, and endorsed, in case of approval, to that effect and filed, and, unless otherwise provided by law, kept in the office of the approving officer."

**SEC. 3. Repeal—recording.** That section one thousand one hundred ninety-six (1196) of the code be and the same is hereby repealed, and the following enacted in lieu thereof:

"The auditor of each county shall keep in his office a book, to be known as the record book of officers' bonds, and record in said book the official bonds of all county officers, including justices of the peace, township clerks, constables, assessors and mayors filed in his county; and also keep an index to said book, in which, under the title of each office, shall be entered the names of each principal and his sureties, and the date of the filing of the bond. All bonds when recorded shall be returned to the officers charged by law with the custody thereof."

Approved April 9, A. D. 1909.

## CHAPTER 76.

### OFFICERS HOLDING OVER.

S. F. 224.

AN ACT to amend section eleven hundred ninety-five (1195) of the code, relating to officers holding over for any reason.

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

**SECTION 1. Qualification.** That section eleven hundred ninety-five (1195) of the code be amended by striking out the following words, beginning in the fourth line thereof: "within the time to be fixed by the board or officer, who approve the bond of such officers. After the adjournment of the board of supervisors, such time shall be fixed by the county auditor in all cases where such board, if in session, would have fixed such time.", and substituting therefor, the following: "within the time provided by section twelve hundred seventy-five (1275) of the code".

Approved April 8, A. D. 1909.

## CHAPTER 77.

## REMOVAL OF APPOINTIVE STATE OFFICIALS AND COMMISSIONERS.

S. F. 418.

AN ACT providing for the removal of appointive state officials, members of boards, members of commissions, commissioners and persons appointed by the same. [Additional to chapter eight (8) of title six (VI) of the code, relating to removal from office.]

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

**SECTION 1. May be removed by executive council—causes.** Members of the board of curators of the state historical society, members of the board of educational examiners appointed by the governor, the director of the weather and crop service, the fish and game warden, members of the commission of pharmacy, members of the board of dental examiners, members of the board of parole, dairy commissioner, custodian of public buildings and property, state veterinary surgeon, inspectors of products of petroleum, members of state board of veterinary medical examiners, inspectors of passenger boats, members of the board of optometry examiners, and members of the library commission appointed by the governor may be removed by a majority vote of the executive council, for any of the following causes:

1. For habitual or wilful neglect of duty.
2. For any disability preventing a proper discharge of the duties of his office.
3. For gross partiality.
4. For oppression.
5. For extortion.
6. For corruption.
7. For wilful misconduct or maladministration in office.
8. Upon conviction of felony.
9. For a failure to produce and fully account for all public funds and property in his hands at any inspection or settlement.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines.

Approved April 10, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 12, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 78.

## REMOVAL OF OFFICERS FOR MISFEASANCE, MALFEASANCE OR NONFEASANCE IN OFFICE.

S. F. 8.

AN ACT authorizing the district court or judge to remove officers for misfeasance, malfeasance or nonfeasance in office, and providing the method of procedure therefor. [Additional to chapter eight (8) of title six (VI) of the code, relating to removal from office.]

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

**SECTION 1. Officers subject to removal—causes.** Any county attorney, sheriff, mayor, police officer, marshal or constable shall be removed from office by the district court or judge upon charges made in writing and hearing thereunder for the following causes:

1. For wilful or habitual neglect or refusal to perform the duties of his office.

2. For wilful misconduct or maladministration in office.

3. For corruption.

4. For extortion.

5. Upon conviction of a felony.

6. For intoxication or upon conviction of being intoxicated.

**SEC. 2. Complaint or petition—who to prosecute.** The complaint or petition shall be entitled in the name of the state of Iowa, and may be filed upon the relation of any five qualified electors of the county in which the person charged is an officer, the county attorney of such county, or the attorney general, and shall be filed by the attorney general when directed so to do by the governor. It shall be the duty of the county attorney to appear and prosecute this proceeding when the officer sought to be removed is one other than himself; and when the proceeding is brought to remove the county attorney, the court may appoint an attorney to appear in behalf of the state and prosecute such proceedings.

**SEC. 3. Governor may direct attorney general to file complaint—answer to be filed.** It shall be the duty of the governor, whenever he has knowledge that reasonable grounds exist for the filing of complaint against any of the within named officers, to direct the attorney general to file the same against the offending party and prosecute said action. The accused shall be named as defendant and the petition, unless filed by the attorney general, shall be verified. The petition shall state the charges against the accused and may be amended as in ordinary actions, and shall be filed in the office of the clerk of the district court of the county in which the person charged is an officer. The accused may at any time prior to the time fixed for hearing file in the office of the clerk of the district court his answer which shall be verified.

**SEC. 4. Cause heard by judge of another district—when—how commissioned—order fixing time of hearing.** If the person or persons filing the complaint or the defendant believe that the cause ought not to be heard before any of the judges in such district, he shall at the time he files his petition or answer in the office of the clerk of the district court, file a copy thereof in the office of the clerk of the supreme court, together with an application to the supreme court asking for the appointment of a judge outside of such district to hear the complaint. Upon the filing of the copy of said complaint, together with the application, in the office of the clerk of the supreme court, it shall be the duty of the chief justice of the supreme court, or in his absence or inability to act, any justice thereof, to forthwith issue a written commission directing a district judge in the state of Iowa outside of such district to proceed to the county in which the complaint was filed and hear the same. Upon the receipt of such commission, said judge shall immediately make an order fixing a time for hearing, which shall be not less than ten (10) nor more than twenty (20) days thereafter, and forward said order to the clerk of the district court of the county in which the hearing is to be had. The clerk shall file said order and forthwith cause a copy thereof or a notice of the time and place of hearing to be served on the accused. If the cause is to be heard by a judge within the judicial district, upon the presentation of the petition, or a copy thereof, to such judge, he shall make the order fixing a time for the hearing as hereinbefore specified.

**SEC. 5. Triable as an equitable action—accused may be suspended—vacancy—how filled.** The proceeding shall be summary in its nature and triable as an equitable action and may be heard either in vacation or term time, and shall be heard before the court or judge without the intervention of a jury. Upon the filing of the petition in the office of the clerk of the district court, and

presentation of the same to the judge, the court or judge may suspend the accused from office, if in his judgment sufficient cause appear from the petition and affidavit or affidavits which may be presented in support of the charges contained therein. In case of suspension, as herein provided, the temporary vacancy shall be filled in the manner specified in section 1257 of the code.

**SEC. 6. Order of removal—vacancy—how filled.** If upon the hearing herein provided for, the district court or judge shall find that the accused should be removed from office, he shall make and enter of record an order of removal and the vacancy thus created shall be filled as provided in section 1272 of the supplement to the code, 1907.

**SEC. 7. Appeal to supreme court—costs—how taxed.** In case of appeal to the supreme court, the cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstract and arguments are filed in said court in time for said action to be heard. The supreme court shall fix the time of hearing and the filing of arguments. The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court or judge, or restore said defendant to office pending such appeal. If the final termination of such proceedings be favorable to any accused officer, said officer shall be allowed the reasonable and necessary expense including a reasonable attorney fee to be fixed by the court or judge he has incurred in making his defense, by the county if he be a county officer, or by the city or town in which he holds office if he be a mayor, police officer or marshal. If the action is instituted upon complaint of citizens as herein provided, and it appears to the court that there was no reasonable cause for filing the complaint, the costs may be taxed against the complaining parties.

**SEC. 8. Expenses of judge and reporter—how paid.** Any judge who is required to preside at a hearing, herein provided for, outside of his judicial district, shall be allowed his necessary and actual expenses incurred by reason of such hearing, and the necessary and actual expenses of his official reporter. An itemized sworn statement shall be made by such judge and official reporter showing the amount of expenses incurred, and the same shall be filed with the auditor of state. Thereupon, the auditor shall draw his warrant upon the treasurer of state for such amount.

**SEC. 9. Acts in conflict repealed.** All acts and parts of acts in conflict with this act, in so far as they apply to the officers herein designated, are hereby repealed.

**SEC. 10. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 27, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*



## CHAPTER 79.

## LEVY OF TAX FOR COURT EXPENSE FUND.

H. F. 175.

AN ACT to amend section one thousand three hundred and three (1303) of the supplement to the code, 1907, relating to levying of taxes by board of supervisors, and creating a court expense fund.

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

SECTION 1. **Levy—purposes—amount.** That division two (2) of section one thousand three hundred and three (1303) of the supplement to the code, 1907, be and the same is hereby amended by adding to said subdivision two (2) the following:

“Provided, however, that in any county where, by reason of extraordinary or unusual litigation the rates herein fixed for ordinary county revenue are found to be insufficient to pay the same, the board of supervisors may create an additional fund to be known as ‘court expense fund’, and may levy for such fund, such rate of taxes, as shall be necessary to pay all court expenses chargeable to the county. Such fund shall be used for no other purpose, and the levy therefor shall be dispensed with, when the authorized levy for the ordinary county revenue is sufficient to meet the necessary county expenditures including such court expenses. Provided, further, that the levy for the purpose of providing an additional fund shall not exceed three mills on a dollar.”

Approved April 6, A. D. 1909.

## CHAPTER 80.

## TAXES LEVIED FOR MAKING AND REPAIRING BRIDGES.

H. F. 382.

AN ACT to amend section thirteen hundred three (1303) of the supplement to the code, 1907, relative to the amount of taxes to be levied for making and repairing bridges.

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

SECTION 1. **Levy not to exceed five mills.** That section thirteen hundred three (1303) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word “four” in the first line of subdivision four (4) of said section and inserting in lieu thereof the word “five”.

Approved April 5, A. D. 1909.

## CHAPTER 81.

## EXEMPTION FROM TAXATION.

H. F. 448.

AN ACT to amend section one thousand three hundred four (1304) of the supplement to the code, 1907, in relation to the classes of property exempt from the assessment of taxes.

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

SECTION 1. **Municipal, school and drainage bonds or certificates.** That section one thousand three hundred four (1304) of the supplement to the code, 1907, be amended by adding after the semi-colon, and before the words,

“public grounds” in the fifth line of paragraph one (1) of said section, the following: “municipal, school and drainage bonds or certificates hereafter issued.”

**SEC. 2. Certain deductions not permitted.** No deduction from the assessment of the stock of any bank or trust company shall be permitted because of such bank or trust company holding such bonds and certificates as may be exempted above.

Approved April 16, A. D. 1909.

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## CHAPTER 82.

### INDEBTEDNESS OF CITIES AND TOWNS.

#### H. F. 415.

AN ACT to amend the law as it appears in section thirteen hundred six-b (1306-b) of the supplement to the code, 1907, so as to authorize cities and incorporated towns to incur an indebtedness not exceeding in the aggregate added to all other indebtedness five per centum of the actual value of the taxable property within such cities or incorporated towns for the purpose of extending as well as purchasing, erecting or maintaining and operating waterworks, electric light and power plants, gas works and heating plants, or building and constructing sewers.

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

**SECTION 1. Indebtedness for extensions.** That the law as it appears in section thirteen hundred six-b (1306-b) of the supplement to the code, 1907, is hereby amended by inserting after the word “erecting” in line ten (10) of said section, the word “extending”.

**SEC. 2. In effect.** This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily News, newspapers published in the city of Des Moines.

Approved March 18, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 20, A. D. 1909, and in the Des Moines Daily News March 22, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

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## CHAPTER 83.

### ISSUANCE AND PAYMENT OF BONDS BY CITIES AND TOWNS.

#### S. F. 285.

AN ACT to amend the law as it appears in section thirteen hundred and six-e (1306-e) of the supplement to the code, 1907, relating to the issuance of bonds by cities and towns and providing a means for the payment of such bonds.

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

**SECTION 1. Bonds—how issued and paid.** The law as it appears in section thirteen hundred six-e (1306-e) of the supplement to the code, 1907, is hereby amended so as to read as follows:

“If a majority, in cities having more than ten thousand (10,000) population, or if, in cities and towns having a population of ten thousand (10,000) or less, two-thirds or more, of all the electors voting at such election, vote in favor of the issuance of such bonds, the council of such city or town shall issue the same as provided by section seven hundred twenty-six (726) of the

code and make provision for the payment of the bonds and interest thereon as provided by title V of the code.

**SEC. 2. Applicable to bond issues heretofore authorized.** This act shall be held to apply to any city or town whose qualified electors have heretofore authorized the issuance of such bonds by such election."

Approved April 15, A. D. 1909.

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## CHAPTER 84.

### LISTING OF MONEYS AND CREDITS BY FIDUCIARY.

S. F. 329.

AN ACT to amend section thirteen hundred twelve (1312) of the code relating to the listing of moneys and credits for taxation by persons acting in a fiduciary capacity.

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

**SECTION 1. Listing—debts deducted.** That section thirteen hundred twelve (1312) of the code be amended by adding the following thereto:

"In listing moneys and credits as herein provided, any administrator, executor, trustee or agent shall be entitled to deductions, as prescribed in section thirteen hundred eleven (1311) of the code, of debts owing by the legatee, devisee, beneficiary or principal to the same extent as such fund might be reduced if it were held by such legatee, devisee, beneficiary or principal who may be entitled to the income on such trust or fiduciary fund."

Approved April 7, A. D. 1909.

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## CHAPTER 85.

### ASSESSMENT AFFIDAVITS.

S. F. 162.

AN ACT amending the law as it appears in section thirteen hundred sixty-one (1361) of the supplement to the code, 1907, and section thirteen hundred fifty-four (1354) and section thirteen hundred fifty-five (1355) of the code, relating to the making of affidavit in assessment of property.

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

**SECTION 1. One affidavit.** The law as it appears in section thirteen hundred sixty-one (1361) of the supplement to the code, 1907, be and the same is amended by adding thereto the following: "Provided, however, that it shall be lawful to combine the affidavit with reference to real and personal property, and the affidavit as to moneys and credits, into one affidavit."

**SEC. 2. Same.** That section thirteen hundred fifty-five (1355) of the code be amended by inserting between the words "prescribed" and "to" in the second line thereof, the following "or combination thereof".

**SEC. 3. Same.** That section thirteen hundred fifty-four (1354) of the code be amended by striking therefrom the words "the oath" found in the sixth line thereof and inserting in lieu thereof the following words: "either of the oaths or affirmations or combinations thereof".

Approved March 12, A. D. 1909.

## CHAPTER 86.

## CROP STATISTICS.

H. F. 109.

AN ACT to repeal section thirteen hundred and sixty-three (1363) of the code, relating to statistics, and enacting a substitute therefor.

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

SECTION 1. **Repeal—crop statistics.** That section thirteen hundred sixty-three (1363) of the code is hereby repealed and the following enacted in lieu thereof:

“Each year the county auditor shall deliver to each assessor the necessary blanks for recording, as to each person whose property is listed, statistics of the previous year as to the number of acres, average and total yield of corn, oats, wheat, and such other crops and information as may be in their possession which may be called for relative to agriculture, agricultural production, agricultural labor, live stock, poultry and egg production, for publication in the Iowa year book of agriculture. The assessor shall require each person whose property is listed to make answers to such inquiries as may be necessary to enable him to return the foregoing statistics; and said blanks with such entries shall be returned to the county auditor on or before the fifteenth day of April, who shall tabulate the same by townships, and forward the returns thereof to the secretary of the state board of agriculture not later than the tenth day of May. The secretary of the state board of agriculture shall provide and cause to be delivered to the county auditor before the first week in January the blanks to be used by the assessors and county auditor for the proper return of the information required in this section.”

Approved March 25, A. D. 1909.

## CHAPTER 87.

## ASSESSMENT ROLLS.

S. F. 37.

AN ACT to repeal section thirteen hundred sixty-six (1366) of the code and enact a substitute therefor relative to assessment rolls.

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

SECTION 1. **Repeal—assessors books returned.** That section thirteen hundred sixty-six (1366) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

“Such rolls shall be laid before the local board of review on or before the first Monday of April in each year for correction, and when such correction has been completed, the assessor shall proceed to make up the assessor’s books in duplicate from such assessment rolls, allotting a sufficient number of pages to each letter, and return to the county auditor, together with the assessment rolls, plat book, and all statements which have been furnished to him in connection with the assessment, and the county auditor shall foot up each column of numbers and values on each page and enter such footings in recapitulation sheets, and not later than the tenth (10) day of May, return one of the books to the township clerk, and to the city or town clerk.”

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and

Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved February 23, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 24, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 88.

### ENUMERATION OF DEAF OR BLIND PERSONS.

H. F. 450.

AN ACT providing for the enumeration of deaf or blind persons, additional to chapter one (1), title seven (VII) of the code.

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

**SECTION 1. Annual enumeration by assessor.** That it shall be the duty of the assessor at the time of making the assessments, as provided by law, to record the names, ages, sex and postoffice address of all deaf or blind persons who reside within his jurisdiction.

**SEC. 2. Secretary of state to provide suitable blanks.** It shall be the duty of the secretary of state to supply the county auditors in each county with suitable blanks for the purpose of carrying out the provisions of section 1 hereof, which blanks shall be furnished to each assessor by the county auditor at the time he supplies the assessor with the blank assessment rolls and books.

**SEC. 3. County auditor to forward returns.** It shall be the duty of the county auditor to forward to the secretary of the board of control of state institutions the returns of the assessor, as herein provided, within thirty (30) days after the returns are filed in his office.

Approved April 8, A. D. 1909.

## CHAPTER 89.

### COLLECTION OF DELINQUENT PROPERTY PERSONAL TAX.

H. F. 96.

AN ACT to amend section one thousand four hundred seven (1407) of the supplement to the code, 1907, relating to the collection of delinquent property personal tax.

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

**SECTION 1. Collectors—appointment—compensation.** That the law as it appears in section one thousand four hundred seven (1407) of the supplement to the code, 1907, be, and the same is hereby amended by adding thereto the following:

“And the boards of supervisors may in their discretion authorize the appointment by the treasurer of one or more collectors to assist in the collection of such delinquent personal property tax as the board may designate and may pay such collector as full compensation for all services rendered and expenses incurred a sum not to exceed 10 per cent of the amount collected which sum shall in no event be paid or allowed until all such taxes collected have been paid over to the county treasurer by such collector.

**SEC. 2. Deducted ratably from the several funds.** The amount allowed as compensation to such collector shall be deducted ratably from the several funds to which such taxes so collected by the collector belong.”

Approved March 17, A. D. 1909.

## CHAPTER 90.

## APPORTIONMENT OF TAXES AND RECOVERY OF INTEREST OR PENALTY MIS-APPLIED.

S. F. 362.

AN ACT to repeal section fourteen hundred fifteen (1415) of the code relating to the apportionment of taxes by county treasurers and to enact a substitute therefor, and to provide for recovery on treasurer's bond of interest or penalty misapplied.

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

**SECTION 1. Repeal—apportionment—recovery of interest or penalty misapplied.** That section fourteen hundred fifteen (1415) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

“On or before the tenth day of each month the treasurer shall apportion all taxes and interest on same collected during the preceding month among the several funds to which it belongs according to the number of mills levied for each fund and enter the same upon his cash account, and report the amount of each tax and interest collected on same to the county auditor who shall charge him in each fund with the same. Any interest or penalty on delinquent taxes apportioned or transferred to any fund other than the fund upon which same was collected, together with a penalty of ten per cent and interest at six per cent on the aggregate from the time such tax was due and payable may be recovered in a civil action brought against the county treasurer and his bondsmen by any person in control of the fund affected thereby.”

Approved April 16, A. D. 1909.

## CHAPTER 91.

## LOANING OR DEPOSITING OF PUBLIC FUNDS.

S. F. 3.

AN ACT to repeal the law as it appears in section fourteen hundred fifty-seven (1457) of the supplement to the code, 1907, and to enact a substitute therefor relating to the subject of loaning or depositing of public funds.

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

**SECTION 1. Repeal—loaning or depositing public funds.** That the law as it appears in section fourteen hundred fifty-seven (1457) of the supplement to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:

“A county treasurer shall be liable to a like fine for loaning out, or in any manner using for private purposes, state, county or other funds in his hands, but the county treasurer shall, with the approval of the board of supervisors as to place of deposit, by resolution entered of record, deposit such funds in any bank or banks in the state to an amount fixed by such resolution at interest at the rate of at least two (2) per cent per annum on ninety per cent of the daily balances payable at the end of each month all of which shall accrue to the benefit of the general county fund; but before such deposit is made, such bank shall file a bond with sureties to be approved by the treasurer and the board of supervisors in double the amount deposited, conditioned to hold the treasurer harmless from all loss by reason of such deposit or deposits; provided that in cases where an approved surety company's bond is furnished, said bond may be accepted in an amount equal to 10 per cent more than the amount deposited. Said bond shall be filed with the county auditor and ac-

tion may be brought thereon either by the treasurer or the county as the board of supervisors may elect. And the state treasurer shall be liable to a fine of not more than ten thousand dollars (\$10,000.00) for a like misdemeanor. But nothing done under the provisions of this section shall alter or affect the liability of the treasurer or the sureties of his official bonds."

Approved March 29, A. D. 1909.

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## CHAPTER 92.

### COLLATERAL INHERITANCE TAX AND EXEMPTIONS.

S. F. 137.

AN ACT to amend the law as it appears in section one thousand four hundred and sixty-seven (1467) of the supplement to the code, 1907, relating to collateral inheritance tax and exemptions.

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

**SECTION 1. Certain bequests exempted.** That the law as it appears in section number one thousand four hundred and sixty-seven (1467) of the supplement to the code, 1907, be and the same is hereby amended by striking out the semi-colon as appears therein following the word "week" in the twelfth line thereof and inserting in lieu thereof, after the word "week" the following: "Or any bequest, not to exceed \$500.00, to and in favor of any person, having for its purpose the performance of any religious service to be performed for and in behalf of decedent or any person named in his or her last will and testament, or any cemetery associations;".

Approved April 7, A. D. 1909.

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## CHAPTER 93.

### ROADS OVER STATE GROUNDS.

H. F. 300.

AN ACT to amend section fifteen hundred nine (1509) of the code relating to the power and duties of the trustees, board of regents and board of control in regard to roads and highways and to amend section fifteen hundred thirty-two-a (1532-a) of the supplement to the code, 1907, relating to road districts.

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

**SECTION 1. Board of regents or board of control.** That section fifteen hundred nine (1509) of the code be and the same is hereby amended by striking out the word "commissioners" in the first line and inserting in lieu thereof the words "board of regents or board of control", also by striking out the word "commissioners" in the fourth line and inserting in lieu thereof the words, "board of regents or board of control".

**SEC. 2. Separate road districts—how maintained.** That section fifteen hundred thirty-two-a (1532-a) of the supplement to the code, 1907, be amended by striking out the letter "a" in the number thereof and by inserting in line five after the word "district" the words "except as provided herein" and by adding to said section the following:

"That all roads and highways within and adjacent to lands belonging to the state shall constitute a separate road district under the control and supervision of a supervisor appointed by said board of control, with all the powers,

duties and responsibilities imposed upon road supervisors; and that the cost of maintaining, repairing, renewing and improving said roads, except county bridges, after deducting the road and road poll taxes collected from those who are liable to the payment of the same within said road district, shall be paid out of any general funds in the hands of the state treasurer not otherwise appropriated."

Approved April 1, A. D. 1909.

## CHAPTER 94.

### USE OF PUBLIC HIGHWAYS FOR ERECTING AND MAINTAINING POLES AND WIRES FOR TRANSMISSION OF ELECTRICITY.

S. F. 319.

AN ACT authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.]

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

**SECTION 1. Board of supervisors authorized to grant use of highway—conditions.** The board of supervisors of any county may, upon written application designating the particular highways, the use of which is desired, grant to any person or corporation engaged in the manufacture of electric light and power, the right to erect and maintain poles and wires, for the purpose of conducting electricity for lighting, heat and power purposes, in any public highway in their county for a period not to exceed twenty years, subject to the following conditions and such further reasonable regulations as the legislature or the board of supervisors may hereafter prescribe: The grantee shall in no case have the exclusive right to use such highway for the conducting of the electricity. The poles and fixtures shall be so constructed as to not incommode the public in the use of any road or the navigation of any stream. When any road along which such lines have been constructed shall be changed, the person or corporation shall, upon ninety days notice in writing remove said lines to said road as established. The grantee shall use only strong and proper wires, properly insulated, attached to strong and sufficient supports and insulated at all points of attachment. They shall replace all wires with new wires whenever by ordinary wear or other causes they are no longer safe, and remove all wires, the use of which is abandoned. They shall properly insulate every wire carrying electric light, heat or power currents where it enters a building and within such building so as to avoid danger from fires. Where such wires are carried across or under wires used for other service, there shall be suspended under or over said power, heat or light service lines, properly constructed and insulated guard nets, or shall be protected by such other equally efficient devices as will prevent contact with such other service lines, in case of sagging or breaking of such wires. After July 1, 1909, no such grant shall be made until notice of the hearing of said application shall be published once each week for two consecutive weeks in a newspaper printed and published in the county seat, and of general circulation in said county, stating the time when said application will be acted upon and designating the particular highways named in said application. The grantees shall be responsible for all damages that may arise from such construction and operation under this grant or from a failure to comply with said provisions.



**SEC. 2. Failure to comply—penalty.** Any person or corporation having received a grant as above stated who fails to comply with the provisions of the preceding section shall, upon conviction thereof, be punished by a fine of not less than fifty nor more than five hundred dollars.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and approval and publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa, said publication to be without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 8, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 95.

### PERMANENT ROADS.

S. F. 217.

AN ACT to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.]

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

**SECTION 1. Permanent road improvement districts.** The board of supervisors of any county shall have jurisdiction, power and authority at any regular, special or adjourned session, to establish permanent road improvement district or districts and to cause to be constructed as hereinafter provided, by grading, guttering and curbing and paving or macadamizing permanent highways, and to provide for the making and reconstruction of any such highway improvement and to assess not less than fifty per cent of the cost thereof on abutting or adjacent property as provided in this act.

**SEC. 2. Petition—survey—notice of hearing.** Such highway improvement district may be ordered or established whenever a petition of persons residents in the county owning a majority of the acres of land within said proposed improvement district shall be first filed in the office of the county auditor, setting forth the necessity for the same, the starting point, route and terminus, and the lands to be included within said district. The auditor shall thereupon place a copy of the petition in the hands of the county surveyor or a competent engineer, as selected by the board, who shall make a survey of the proposed improvement and return a plat and profile thereof to the auditor, which return shall set forth a full and detailed description thereof, its availability, necessity and probable cost, with a description of each tract of land owned by different persons within said proposed improvement district and such other lands as in his opinion should be included, with such other facts as he may deem material, which shall be submitted to the board for its approval. If said report is approved the board shall direct the auditor immediately thereafter to cause notice in writing to be served on the owner of each tract of land within said improvement district who is a resident of the county, of the pendency and prayer of said petition and of the recommendations of the engineer and the session of the board of supervisors at which the same will be heard, which notice shall be served ten days prior to said session, in the same manner that original notices are required to be served. In case any such owner is a non-resident of the county such notice as to him shall be

published once each week for two consecutive weeks in some newspaper published in the county, proof thereof being made by affidavit as in case of legal notices published in newspapers, and like notice shall be served on those in possession of said land and mortgages of record, which proof shall be filed with the board and the expense of said service shall be paid out of the money collected by the tax herein provided.

**SEC. 3. District located and established.** The board at the session set for hearing said petition shall thereupon proceed to establish and determine the petition and if necessary view the premises and if they shall find that said proposed improvement is a necessary improvement they shall locate and establish the same on the route specified in the plat and return of the county surveyor or engineer but no such improvement shall be made or ordered unless the same starts at some county seat or other business center or unless said district connects with some improvement district which has already been ordered by the said supervisors within the county in which said improvement district is asked to be established.

**SEC. 4. Division into sections.** When the board shall have established said improvement it shall divide the same into suitable sections, and prescribe the time within which work upon each section shall be begun and completed.

**SEC. 5. Letting work—payment—failure to perform work.** The auditor shall cause notice to be given of the time and place of letting the contracts and the time fixed for its completion, by a publication once each week for four consecutive weeks in some newspaper printed in said county and shall let it upon each separate section to the lowest bidder therefor, who shall be required to execute a bond with sufficient sureties, in an amount equal to twenty per cent of the estimated cost of the work so let, or deposit such amount in cash with the auditor as security for the performance of his contract. When the work shall have been completed the engineer in charge shall furnish the contractor an estimate of the amount of work done under the contract and the cost thereof, which said estimate he shall also file with the county auditor and when said work has been approved by the engineer and board of supervisors, the auditor shall issue a warrant on the treasurer for the portion of the expense of said improvement to be paid by the said county and the balance shall be paid out of the special taxes levied upon the improvement district as provided by this act. If any person to whom a portion of said work has been let shall fail to perform the same as and in the time specified in his contract, the cash deposited by him shall be forfeited to or the penalty named in the bond may be recovered in an action thereon by the county auditor for the benefit of the improvement district on said contract as liquidated damages and it shall be relet by the auditor in the manner as hereinbefore provided.

**SEC. 6. Compensation of engineer—fees or costs—how paid.** The engineer shall be allowed for his services such sum as may be fixed by the board of supervisors and all other fees or costs shall be the same as is provided for by law for like services in relation thereto, all of which, together with damages assessed, shall be paid out of the county treasury from the funds collected for that purpose, upon the order of the county auditor.

**SEC. 7. Apportionment of costs—hearing—assessment of costs—compensation of commissioners.** When any improvement district has been located and established as provided in this act or when it shall be necessary to cause the same to be repaired the board of supervisors shall appoint three persons, one of whom shall be a competent civil engineer and two of whom shall be resident freeholders of the county, not living within the township or townships where the improvement is or is to be located and not interested therein or in a like question nor related to any party whose land is affected thereby, who shall inspect and classify all the lands benefited by the proposed improvement and shall make an equitable apportionment of the costs, expenses, cost of construc-

tion and fees assessed for the construction of said improvement, or repairing or reopening the same and make report thereof in writing to the board of supervisors and file the same with the county auditor who shall immediately thereafter fix a time for hearing the objections thereto before the board of supervisors and cause to be served upon the owner of each tract of land or lot described in said report, as shown by the transfer books in the auditor's office, notice in writing of the filing and pendency of said report, the amount of special assessment apportioned to such owner, the day set for hearing the same, and that all objections thereto must be made in writing and filed with the county auditor on or before noon of the day set for such hearing, which notice as to residents of the county shall be served not less than ten days prior to the day set for such hearing, in the same manner that original notices are required to be served, and as to non-residents of the county such notice shall be served by publishing the same in some newspaper published in the county, in the same manner as for notices of improvement districts. When the day set for hearing has arrived the board of supervisors shall proceed to hear all objections made and filed to said report and may increase, diminish, annul or affirm the apportionment made in said report or any part thereof as may appear to the board to be just and equitable, which apportionment shall be assessed among the owners of the land within said improvement district to be benefited thereby and in proportion to the benefit to each of them and levied upon the lands of the owners so benefited in such proportions and collected in the same manner as other taxes are levied and collected for county purposes, and when so collected shall be kept separate from other county funds and shall be paid out only for purposes properly connected with such improvement on the order of the board of supervisors. The engineer shall receive for each day's services while so engaged five dollars (\$5.00) and the other commissioners shall each receive two dollars (\$2.00) per day, to be paid out of the funds so collected; provided, however, that not to exceed fifty per cent of the entire cost of the improvement shall be paid by the said assessment on the property within said improvement district, the balance of the cost of said improvement to be paid by the county out of the funds hereinafter provided in this said act.

**SEC. 8. Appeal.** An appeal may be taken to the district court from the order of the board in fixing the assessment upon lands in the same manner appeals may be taken in the location of roads and within the same time but on such appeal it shall not be competent to show that the lands assessed were not benefited by the improvement.

**SEC. 9. Levy and collection of special assessment—payable in installments.** The special assessment for benefits made by the commissioners appointed for that purpose, as corrected and approved by the board of supervisors, shall be levied at one time by the board against the property so benefited, and when levied and certified shall be payable at the office of the county treasurer. If the owner of any parcel of land, lot or premises against which any such levy shall have been made and certified, which is embraced in any certificate provided for in this section, shall within thirty days from the time of such assessment promise and agree in writing endorsed upon such certificate or in a separate agreement, that in consideration of having the right to pay his assessment in installments he will not make any objections of illegality or irregularity as to the assessment of benefits or levy of such tax upon and against his property, but will pay said assessment with interest thereon at such rate, not exceeding six per cent per annum, as shall be prescribed by resolution of the board, such tax so levied against the land, lot or premises of such owner shall be payable in ten equal installments, the first of which with interest on the whole assessment shall mature and be payable on the dates of such assessment, and the others with interest on the whole amount unpaid annually there-

after at the same time and in the same manner as the March semi-annual payment of ordinary taxes but where no such terms and agreement in writing shall be made by the owner of any land, lot or premises, then whole of said special assessment, so levied upon and against the property of such owner, shall mature at one time and be due and payable with interest from the date of such assessment and shall be collected at the next succeeding March semi-annual payment of ordinary taxes. All of said taxes with interest shall become delinquent on the first day of March next after maturity and shall bear the same rate [of] interest with the same penalty as ordinary taxes.

**SEC. 10. Board of supervisors may recall assessment and levy and proceed anew.** Where the assessment and levy on account of any highway improvement has been made by the board of supervisors of any county under the provisions of this act without notice or legal notice to the owner of the land affected thereby and the whole or any part thereof remains unpaid, the board of supervisors shall have the authority to recall the assessment or levy thus made without notice and proceed anew as provided in this act to apportion and levy the cost of such improvement among the owners and upon the lands benefited thereby, taking as a basis the original apportionment and report of the commissioners upon which the board had theretofore acted and the new assessment and levy made upon notice and hearing in such cases shall be certified by the county auditor to the county treasurer, re-entered upon the tax list and collected as other taxes for county purposes, and all payments made under the prior assessment and levy shall be credited upon the new assessment and levy.

**SEC. 11. Re-assessment and re-levy, when.** When any improvement district is or shall hereafter be established by any board of supervisors of this state and contract or contracts let therefor and the improvement wholly or partly constructed, the improvement bonds issued on account thereof and the proceedings or taxes therefor have been or shall be for any cause found invalid and the board of supervisors has found or shall find that said improvement will be a public improvement and for the convenience and welfare, such board is authorized to provide for the completion of the work and the payment therefor and for the payment of the work already done and of the improvement certificates issued and to that end shall recall the tax already levied and shall re-assess the costs and expenses of such improvement and after a notice and hearing as provided in this act shall assess and levy the same upon the lands benefited thereby and the said board and other county officers shall proceed as provided by the sections heretofore provided in this act. Such re-assessment and re-levy of taxes shall be in proportion to and not in excess of benefits, and all taxes theretofore paid upon such improvement shall be credited as provided in this act. Such assessment shall fix the proportion for all future levies on account of such improvement or repair of the same and may be levied in one year or apportioned among a series of years and improvement certificates issued therefor as provided for in this act and appeals may be taken as provided in this said act.

**SEC. 12. Levy of tax for permanent roads—mulet tax.** The board of supervisors of each county may at the time of levying taxes for other purposes levy a tax of not more than two mills on the dollar of the assessed value of the taxable property in the county, including all taxable property in cities and incorporated towns, which shall be collected at the same time and in the same manner as other taxes and when collected shall be used only for making permanent improvements of highways as in this bill provided; and provided further that in paying for said improvements in those counties in which a mulet tax is collected by the county, said tax or such portions thereof as the board of supervisors may deem to the best interests of said county may also be used in the payment of permanent improvements.

**SEC. 13. Not applicable—when.** The provisions of this act shall not be applicable, nor shall any levy be made hereunder by the board of supervisors if the levy provided for in section fifteen hundred thirty (1530) of the supplement to the code, 1907, is made by the board of supervisors as therein provided.

Approved April 1, A. D. 1909.

## CHAPTER 96.

### DESTRUCTION OF WEEDS.

S. F. 71.

**AN ACT** providing for the destruction of weeds and noxious weeds on the public highways and lands adjacent thereto; and the destruction of noxious weeds on railway right-of-ways and grounds and making it the duty of the township trustees and county supervisors to enforce the provisions of this act; amending the law as it appears in sections one thousand five hundred and twenty-eight (1528) of the supplement to the code, 1907, and repealing the law as it appears in sections one thousand five hundred and sixty-two (1562) and one thousand five hundred and sixty-two-a (1562-a) of the supplement to the code, 1907, and sections one thousand five hundred and sixty-four (1564), one thousand five hundred and sixty-five (1565) and five thousand and twenty-four (5024) of the code.

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

**SECTION 1. Land owners or tenants to destroy weeds—when.** It shall be the duty of every person, firm or corporation owning, occupying or controlling lands, town and city lots, land used as right of way, depot grounds or for other purposes to cut, burn or otherwise entirely destroy all weeds of the kinds mentioned in section two (2) hereof at such times in each year and in such manner as shall prevent the said weeds from blooming or coming to maturity.

**SEC. 2. Noxious weeds.** The following weeds are hereby declared to be noxious weeds, namely, quack grass (*agropyron repens*), Canada thistle (*cirsium arvense*), cocklebur (*xanthium canadense*), wild mustard (*brassica arvensis*), sour or curled dock (*rumex crispus*), smooth dock (*rumex altissimus*), buckhorn or ribbed plantain (*plantago lanceolata*), and wild parsnip (*pastinaca sativa*), horse nettle (*solanum carolinense*), and velvet weed or button weed (*abutilon theophrasti*) and burdock (*arctium lappa*).

**SEC. 3. Destruction on highways—neglect or refusal to destroy.** It shall be the duty of the township trustees or other officers responsible for the care of public highways in each township or county in this state to destroy or cause to be destroyed all noxious weeds mentioned in section two (2) hereof or unnecessary brush on the highways in such a manner as to effectually prevent the production of their seeds or their propagation in any other manner, to warn out labor or to employ labor for this purpose in the same manner as for repairs to the highways, and for neglect or failure to perform this work they shall be subjected to the penalties in this act. If any occupant of lands adjacent to the public highways neglect or refuse to destroy the noxious weeds upon his land, or shall fail to prevent the said noxious weeds from blooming or coming to maturity, when such weeds are likely to be the means of infesting the public highway, or upon complaint of any land owner to the township trustees that his lands have been or are likely to be infested by weeds from the lands of another including railway right of way, the trustees shall make investigation of such condition or complaint and if the same appears to be well founded they shall make an order fixing the time within which the weeds shall be prevented from maturing seed, and an order that

within one year such noxious weeds shall be permanently destroyed, and prescribing the manner of their destruction and shall forthwith give notice to the occupant of the lands where the noxious weeds exist, and if he shall neglect to obey such order within the time so ordered the trustees may cause such noxious weeds to be prevented from maturing seeds or may cause such noxious weeds to be permanently destroyed and the cost of the work shall be recovered from the owner by a special tax to be certified by the township clerk in the same manner as other road tax not paid.

**SEC. 4. Road funds may be expended.** The destruction of noxious weeds in the public highway and other public places is hereby made a part of the road work of the township trustees and the county supervisors and they shall have authority to expend road funds for the destruction of weeds.

**SEC. 5. Property tax.** The law as it appears in section fifteen hundred and twenty-eight (1528) of the supplement to the code, 1907, is hereby amended as follows, namely: By inserting after the comma in the eighth line thereof the following words: "and for the destruction of noxious weeds in public highways and other public places", and by striking out the word "four" in the tenth line of said section and inserting the word "six" in lieu thereof.

**SEC. 6. School of instruction.** Between November and the succeeding April of each year the county supervisors shall call a meeting of the township trustees and the road supervisors of the county to consider the best methods of road work and weed destruction, and in the public interest may secure the services of experts to give instruction in road building and weed destruction. For such attendance the same compensation shall be allowed to the trustees and road supervisors and the county supervisors as is allowed by law for other services, to be paid as other expenses. The expenses of experts herein provided for may be paid from the county road fund.

**SEC. 7. Cutting of weeds on highways.** It shall be the duty of township trustees and other officers directly responsible for the care of public highways to cause to be cut near the surface all weeds on the public highways in their respective districts at such times and in such manner as to prevent seeds from maturing.

**SEC. 8. Penalty.** Any person, firm or corporation violating any of the provisions of this act, or any township trustees, inspector or other officer who neglects or fails to perform the duties incumbent on him under the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00).

**SEC. 9. Repeal.** The law as it appears in sections fifteen hundred and sixty-two (1562), fifteen hundred sixty-two-a (1562-a) and fifteen hundred sixty-three (1563) of the supplement to the code, 1907, and sections fifteen hundred and sixty-four (1564) and fifteen hundred and sixty-five (1565) and section five thousand and twenty-four (5024) of the code are hereby repealed.

Approved April 21, A. D. 1909.

## CHAPTER 97.

### COUNTY ROAD AND DRAINAGE FUNDS.

H. F. 265.

AN ACT to repeal section fifteen hundred thirty (1530) of the supplement to the code, 1907, and enacting a substitute therefor, relating to the county road fund and county drainage fund and providing for the collection and distribution of the same.

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

**SECTION 1. Repeal—county road and drainage funds—how levied and paid out.** That the law as it appears in section fifteen hundred thirty (1530) of

the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"The board of supervisors of each county shall, at the time of levying taxes for other purposes, levy a tax of not more than one mill on the dollar of the assessed value of the taxable properties in its county, including all taxable property in municipalities which shall be collected at the same time and in the same manner as other taxes and be known as the county road fund and be paid out only on the order of the board of supervisors for the purchase of road tools or machinery or for work done on the roads in the county in such places as it shall determine; provided that on written petition of a majority of the electors who are freeholders of any township in any county the board of supervisors may levy an additional mill in said township to be expended by said board of supervisors on roads in the township where the same is levied; provided further that the board of supervisors of any county may levy an additional tax of not more than one mill on the dollar of the taxable property in the county including all taxable property in cities and incorporated towns outside the limits of cities of the first class and cities acting under special charter, which tax shall be collected at the same time and in the same manner as other taxes and be known as the county drainage fund and be paid out only on the order of the board for drainage of highways and paying drainage assessments heretofore levied for benefits to highways in the county or that may hereafter be levied for such purposes. One-half of the county road fund arising from the property within any municipality shall be paid over by the county treasurer to the treasurer of the municipality in the same manner as other municipal taxes and shall be expended on the roads or streets within such municipality by and under the direction of the council or commission. The county treasurer shall receive the same compensation for collecting this tax as he does for collecting corporation taxes, except as hereinafter provided. Taxes already collected under section fifteen hundred thirty (1530) of the supplement to the code, 1907, and in the hands of the county treasurer shall be paid over to the treasurer of the municipality in the same manner as other municipal taxes. Moneys so collected shall not be transferable to any other fund nor used for any other purpose. The board of supervisors shall levy such additional sum for the benefit of such township as shall have certified a desire for such additional levy as provided for in section fifteen hundred twenty-eight (1528) of this chapter. The amount for the general township fund and the county road fund and county drainage fund shall not exceed in any year six mills on the dollar.

**Sec. 2. Portion of road fund due municipality—how expended.** The administrative bodies of such municipalities shall have authority to appropriate out of the fund arising from such tax, the whole or any part thereof, for the improvement of roads outside of the limits of their municipality where the board of supervisors are making improvements on such roads, in which case the amount of such appropriation shall be paid over to the treasurer of the county for such specific improvement and disbursed by the board of supervisors. If expended by the administrative body of the municipality it shall be expended upon that part of the roads within its limits which are reserved and used for traveling purposes and only upon such roads as are a continuation of country roads which are main arteries of travel, and one-half of the road fund collected within the municipality and retained for disbursement by the board of supervisors shall be by them used on such roads as are main arteries of travel immediately tributary to the municipality for which such tax has been collected. Nothing herein contained shall prevent the board of supervisors from paying over to the treasurer of the municipality the whole or any part of said tax raised within such municipality to be expended by such municipality as herein provided.

**SEC. 3. County treasurer not to be paid for tax collections in certain cities.** In municipalities where taxes are collected independent of the county treasurer no compensation shall be paid to the county treasurer for the collection of this tax.

**SEC. 4. Municipality defined.** The term municipality as herein used is defined to include cities, towns, cities acting under special charter and those under the commission form of government."

Approved April 8, A. D. 1909.

## CHAPTER 98.

### DIVISION AND CONSOLIDATION OF ROAD DISTRICTS.

#### H. F. 5.

AN ACT to amend the law as it appears in section fifteen hundred thirty-two-a (1532-a) of the supplement to the code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts and the collection of property road tax.

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

**SECTION 1. Township divided into road districts—superintendents—election—compensation.** That the law as it appears in section fifteen hundred thirty-two-a (1532-a) supplement to the code, 1907, be hereby amended by inserting after the period at the end of said section the following:

"Provided, however, the board of township trustees at any regular meeting shall, when a written petition is presented to them, signed by at least sixty-five per cent of the voters of such township residing outside of incorporated towns who voted at the last preceding general election, divide the township into two or more road districts, said division to take effect on the first day of January succeeding. When the township is so divided, the electors of each road district at the succeeding general election shall elect a road superintendent for the term of two years. The several road superintendents shall be entitled to receive salaries as fixed by the board of township trustees not exceeding three dollars (\$3.00) per day for each full day's services actually performed.

**SEC. 2. Return to one district plan.** The board of township trustees after a trial of two or more years of this plan, shall, when a written petition is presented to them signed by a majority of the voters who voted at the last preceding general election, at the April meeting in any year consolidate the road districts of the township and return to the one-district plan, said change to take effect on the first day of January following.

**SEC. 3. Separate ballot box.** The township trustees of each township where road superintendents are to be elected shall prepare for each election precinct in such township a separate ballot box with compartments to correspond with the number of the different road districts in the township or election precincts and number the same accordingly. The vote for road superintendent shall be on a separate ballot and deposited in the proper compartment of the ballot box, numbered to correspond with the road district.

**SEC. 4. Property road tax—how paid.** In townships so divided into two or more road districts the township trustees shall permit property owners to work out not to exceed fifty per cent of their property road tax for the year in which said tax is assessed and shall as above provided at their regular annual meeting in April determine the amount of tax to be paid in labor and the amount to be paid in cash, provided that two-thirds of the amount of tax payable in labor shall be worked out under direction of the road superintendent before July first each year.



**SEC. 5. Property and tax lists—tax paid in labor, how credited.** The township clerk shall make out a list of the property and tax for each superintendent of roads. The property road tax worked out shall be certified by township clerk to the county auditor on or before the second Monday of November of each year and the county auditor shall credit the amount of tax worked out upon the tax list before delivering the tax list to the county treasurer."

Approved March 17, A. D. 1909.

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## CHAPTER 99.

### ERECTION OF GUIDE BOARDS.

H. F. 134.

AN ACT to amend section fifteen hundred sixty-one (1561) of the code, relating to the erection of guide boards.

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

**SECTION 1. Guide boards.** That section fifteen hundred sixty-one (1561) of the code is hereby amended by striking out the word "shall" in the third line and substituting the word "may".

Approved March 17, A. D. 1909.

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## CHAPTER 100.

### TRIMMING OF HEDGE FENCES.

H. F. 121.

AN ACT to amend section one thousand five hundred and seventy (1570) of the supplement to the code, 1907, providing for the time when osage orange, willow, and other hedge fences shall be trimmed.

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

**SECTION 1. To be trimmed annually.** That the words "in every two years" in line four (4) of section one thousand five hundred and seventy (1570) of the supplement to the code, 1907, be stricken out and the words "every year" be inserted in lieu thereof.

**SEC. 2. Growing of trees for posts—what permitted.** That said section be further amended by adding after the comma (,) following the word "township" in the fifth line of said section the following, "provided, however, that the owner of said fence may grow on the average three (3) trees to the rod, for posts, on condition that he keep the underbrush to said trees trimmed up to a height of three (3) feet above the height they are required to be trimmed by said section,".

Approved April 6, A. D. 1909.

## CHAPTER 101.

## WORKING OF HIGHWAYS.

S. F. 317.

AN ACT to repeal sections fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the supplement to the code, 1907, and to enact a substitute therefor relating to the working of highways and providing penalties for injury to such highways or the work done thereon.

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

**SECTION 1. Repeal—roads dragged—compensation.** That the law as it appears in sections fifteen hundred seventy-b (1570-b) and fifteen hundred seventy-c (1570-c) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

“The township trustees shall have all the main traveled roads, including mail routes, in their townships dragged at such time as in their judgment is most beneficial, and they shall contract at their April meeting to have a given piece of road dragged at a rate not to exceed fifty cents per mile for each mile traveled in dragging. In choice of persons to do the work or in making contracts to do such work, preference shall be given, other things being equal, to the occupants of the land abutting the road or adjacent thereto at the point where the work is to be done, but if more than one occupant, the trustees may decide to which preference shall be given. So far as possible such dragging shall be done following rainstorms when the earth on road surface is in the consistency of mortar or in condition to accomplish the best results. Nothing herein contained shall prohibit township trustees from causing other than main traveled roads in their townships to be dragged. No compensation shall be paid to any persons for dragging roads unless the same be authorized by the township trustees and in the manner directed by them and other work than dragging may be done when it can accomplish better results; not less than forty per cent of the road tax collected under the road levy made by the township trustees, on land abutting the road or adjacent thereto shall be worked on said road if needed on the same.

**SEC. 2. Roads within corporate limits.** It shall be the duty of the city council of cities and incorporated towns to cause the main traveled roads within the corporate limits leading into the city or town to be dragged and so far as practicable and possible, the provisions of this act shall be applicable.

**SEC. 3. Contracts cancelled, when.** The trustees may at any time, when their contract with the parties for dragging the road has not been properly complied with, or when the work is not done in a satisfactory manner, cancel said contract with the party or parties.

**SEC. 4. Loose earth, weeds or sod.** It shall be unlawful for any person or persons to leave after grading, loose earth, weeds, or sods in the highways in such a manner as to interfere with safe travel.

**SEC. 5. Roads—how traveled after dragging.** It shall be unlawful for any person or persons to drive, ride, or cause to be driven a vehicle of any description in or upon the south half of an east and west highway or east half of a north and south highway after the same has been dragged and before such portion of the highway shall have dried sufficiently to pack under a horse's feet, or frozen hard enough to carry, provided that nothing in this section shall apply in those instances where it is impossible to drive with safety on the west or north side of the road.

**SEC. 6. Penalty.** Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall on conviction thereof be fined not less than one dollar nor more than ten dollars for the first offense and for each offense thereafter shall be fined a sum not less than five dollars nor more than

twenty-five dollars and all fines collected by prosecutions under this act shall be paid into the road fund of the township where the offense was committed or damage done to the road."

SEC. 7. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 30, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 102.

### TRACTION ENGINES ON PUBLIC ROADS.

H. F. 102.

AN ACT to repeal section fifteen hundred and seventy-one (1571) of the supplement to the code, 1907, and to enact a substitute in lieu thereof, relating to traction engines on the public roads.

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

SECTION 1. **Repeal—traction engine on public roads.** That section fifteen hundred and seventy-one (1571) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Whenever any traction engine is being propelled upon the public road, the whistle thereof shall not be blown, and the operator thereof shall exercise reasonable care and caution in the management of the same so as to avoid any accident that might occur from fright upon the part of any horse or other draft or domestic animal. Any person operating a traction engine upon the public highway shall, upon request, or signal by putting up the hand from the person riding or driving a restive horse or other draft or domestic animal, bring such traction engine immediately to a stop, and if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and if traveling in the same direction, use reasonable caution while such horse or animal is passing and the operator or any other person employed by the owner of said traction engine shall render necessary assistance to the party having in charge said horse or other draft or domestic animal in so passing.

SEC. 2. **On bridges, crossings or culverts.** Until the first day of November, 1910, no traction engine shall cross any bridge, crossing or culvert in the public highway or street unless sound, strong planks not less than one foot wide and two inches thick be placed and kept continuously under the wheels. No traction engine having mud lugs or ice spurs attached to its wheels shall be moved over any bridge, culvert, or street crossing.

SEC. 3. **Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days."

Approved March 25, A. D. 1909.

## CHAPTER 103.

## MOTOR VEHICLES.

S. F. 119.

AN ACT to amend sections fifteen hundred and seventy-one-b (1571-b), fifteen hundred and seventy-one-c (1571-c), fifteen hundred and seventy-one-e (1571-e) and fifteen hundred and seventy-one-f (1571-f) of the supplement to the code, 1907, in reference to motor vehicles.

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

**SECTION 1. Motor cycles.** That section fifteen hundred and seventy-one-b (1571-b) of the supplement to the code, 1907, be and the same is hereby amended by striking out the period at the end of said section, inserting a comma in place thereof and adding thereto the following words: "provided, however, that the fee for registering a motor cycle shall be two dollars (\$2.00) only."

**SEC. 2. Card index record.** That section fifteen hundred and seventy-one-e (1571-e) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "book" in the third line of said section the words: "or card index".

**SEC. 3. Dealer's permit.** That section fifteen hundred and seventy-one-e (1571-e) of the supplement to the code, 1907, be and the same is hereby amended by adding thereto the following: "Every dealer's permit shall expire on the thirtieth day of June following the date of its issue. Where a dealer has an established place of business in more than one city or town he shall procure a separate and distinct dealer's number and permit for each such place of business."

**SEC. 4. Operation without number displayed—use of unassigned number.** That section fifteen hundred and seventy-one-f (1571-f) of the supplement to the code, 1907, be and the same is hereby amended by adding thereto the following:

"No person shall operate a motor vehicle on the public streets or highways without a number displayed as provided above, nor with any other number than that assigned to said vehicle by the secretary of state and registered in the name of the owner thereof."

**SEC. 5. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved February 26, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 1, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 104.

## CORPORATIONS FOR PECUNIARY PROFIT.

S. F. 184.

AN ACT to repeal section sixteen hundred fifteen (1615) of the code, sections sixteen hundred ten (1610), sixteen hundred eighteen (1618) and sixteen hundred forty-one-d (1641-d) of the supplement to the code, 1907, and enact substitutes therefor; to amend section sixteen hundred thirty-seven (1637) of the code and sixteen hundred twelve (1612) of the supplement to the code, 1907, to repeal section sixteen hundred eighteen-b (1618-b) of the supplement to the code, 1907, relating to corporations for pecuniary profit.

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

**SECTION 1. Repeal—articles adopted and recorded—fees—approval of articles.** That section sixteen hundred and ten (1610) of the supplement to the

code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Before commencing any business except their own organization, they must adopt articles of incorporation, which must be signed and acknowledged by the incorporators, recorded in the office of the recorder of deeds of the county where the principal place of business is to be, in a book kept therefor, and the recorder must, within five days thereafter, indorse thereon the time when the same were filed, and the book and page where the record will be found. Said articles thus indorsed shall then be forwarded to the secretary of state, and be by him recorded in a book kept for that purpose. Such corporation shall pay to the secretary of state, before a certificate of incorporation is issued, a fee of twenty-five dollars, and, for all authorized stock in excess of ten thousand dollars, an additional fee of one dollar per thousand. Should any corporation increase its capital stock, it shall pay a fee to the secretary of state of one dollar for each one thousand dollars of such increase, and a recording fee of ten cents per one hundred words; no recording fee to be less than fifty cents. Farmers' mutual co-operative creamery associations, whose articles of incorporation provide that the business of the association be conducted on a purely mutual and co-operative plan, without capital stock and whose patrons shall share equally in expense and profits, incorporations organized for the manufacture of sugar from beets grown in the state of Iowa, shall be exempt from the payment of the incorporation filing fee provided herein. When articles of incorporation are presented to the secretary of state for the purpose of being filed, if he is satisfied that they are in proper form to meet the requirements of law, that their object is a lawful one and not against public policy, that their plan for doing business, if any be provided for, is honest and lawful, he shall file them; but if he is of the opinion that they are not in proper form to meet the requirements of the law, or that their object is an unlawful one, or against public policy, or that their plan for doing business is dishonest or unlawful, he shall refuse to file them. Should a question of doubt arise as to the legality of the articles, he shall submit them to the attorney general whose duty it shall be to forthwith examine and return them with an opinion in writing touching the point or points concerning which inquiry has been made of him. If such opinion is in favor of the legality of the articles, and no other objections are apparent, they shall then, upon payment of the proper fee, be filed and otherwise dealt with as the law provides. If, however, such opinion be against their legality they shall not be filed. Upon the rejection of any articles of incorporation by the secretary of state, except for the reason that they have been held by the attorney general to be illegal, they shall, if the person or persons presenting them so request, be submitted to the executive council, which shall, as soon as practicable, consider the said articles and if the council determines that the articles are in proper form, of honest purpose, not against public policy, nor otherwise objectionable, it shall so advise the secretary of state in writing, whereupon he shall, upon the payment of the proper fees, file the same and proceed otherwise as the law directs; but if the council sustains the previous action of the secretary of state in rejecting said articles, such decision by the council shall be reported to the secretary of state in writing, and he shall then return said articles to the person or persons presenting them with such explanation as shall be proper in the case. Nothing in this act shall be construed as repealing or modifying any statute now in force in respect to the approval of articles of incorporation relating to insurance companies, building and loan associations or investment companies."

**SEC. 2. Place of business.** That section sixteen hundred twelve (1612) of the supplement to the code, 1907, be and the same is hereby amended by striking out that part of the first four lines of said section which reads as fol-

lows: "If the corporation transacts business in this state, the articles shall fix its principal place of business, which must be in this state, and in charge of an agent of the corporation, at which place it shall keep its stock and transfer books and hold its meetings," and inserting in lieu thereof the following: "Any corporation organized under the laws of this state shall fix upon and designate in its articles of incorporation its principal place of business which must be in this state, and if outside the limits of a city or town then its post-office address must be given. The place of business so designated shall not be changed except through an amendment to its articles of incorporation. Its place of business shall be in charge of an agent of the corporation and shall be the place where it shall hold its meetings, keep a record of its proceedings and its stock and transfer books."

**SEC. 3. Repeal—duration—certificate and articles recorded—fees—notice—proof filed.** That section sixteen hundred and eighteen (1618) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Corporations for the construction and operation, or the operation alone, of steam railways, interurban railways and street railways; for the establishment and conduct of savings banks, or for the transaction of the business of life insurance, may be formed to endure fifty years; those for other purposes, not to exceed twenty years; but in either case they may be renewed from time to time for the same or shorter periods, within three months before or after the time for the termination thereof, if a majority of the votes cast at any regular election, or special election called for that purpose, be in favor of such renewal, and if those wishing such renewal will purchase the stock of those opposed thereto at its real value. Such renewals shall date from the expiration of the corporate period which it succeeds and shall be limited in duration to a period not exceeding the time allowed by law to the same class of corporations. Within five days after the said action of the stockholders for the renewal of any corporation, a certificate, showing the proceedings resulting in such renewal, sworn to by the president and secretary of the corporation, or by such other officers as may be designated by the stockholders, together with the articles of incorporation, which may be the original articles of incorporation or amended and substituted articles, shall be filed for record in the office of the recorder of the county in which the principal place of business of said corporation is situated, and the same shall be recorded. Upon filing with the secretary of state the said certificate and articles of incorporation, within ten days after they are filed with the recorder, and upon the payment to the secretary of state of a fee of twenty-five (25) dollars, together with a recording fee of ten cents per one hundred words and an additional fee of one (\$1) dollar per thousand for all authorized stock in excess of ten thousand (\$10,000) dollars, the secretary of state shall record the said certificate and the said articles of incorporation in a book to be kept by him for that purpose, and shall issue a proper certificate for the renewal of the corporation. Within three months after the filing of the certificate and articles of incorporation with the secretary of state, the corporation so renewed shall publish a notice of renewal. Said notice shall be published once each week for four weeks in succession in a newspaper as convenient as practicable to the principal place of business of the corporation, and proof of publication filed in the office of the secretary of state, and shall contain the matters and things required to be published by section sixteen hundred and thirteen (1613) of the code, relating to original incorporations."

**SEC. 4. Repeal—cancellation of stock.** That section sixteen hundred and forty-one-d (1641-d) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"The capital stock of any corporation issued in violation of the terms and provisions hereof shall be void, and in a suit brought by the attorney general on behalf of the state of Iowa in any court having jurisdiction, a decree of cancellation shall be entered; and if the corporation has received any money or thing of value for the said stock, such money or thing of value shall be returned to the individual, firm, company or corporation from whom it was received, and if represented by labor or other service of intangible nature, the value thereof shall constitute a claim against the corporation issuing stock in exchange therefor."

SEC. 5. **Repeal—change of articles—fees.** That section sixteen hundred and fifteen (1615) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

"Amendments to articles of incorporation making changes in any of the provisions of the articles may be made at any annual meeting of the stockholders or special meeting called for that purpose, and they shall be valid only when recorded, approved and published as the original articles are required to be. If no increase is made in the amount of capital stock, a certificate fee of \$1.00 and a recording fee of ten cents per one hundred words must be paid. No recording fee less than fifty cents. Where capital stock is increased the certificate fee shall be omitted but a filing fee of one dollar per thousand dollars of such increase together with a recording fee of ten cents per one hundred words shall be paid. Such amendments need only be signed and acknowledged by such officers of the corporation as may be designated by the stockholders to perform such act."

SEC. 6. **Repeal.** That section sixteen hundred and eighteen-b (1618-b) of the supplement to the code, 1907, be and the same is hereby repealed.

SEC. 7. **Foreign corporations—filing articles.** That section sixteen hundred thirty-seven (1637) of the code be and the same is hereby amended by inserting after the word "business" in the third line of said section the following: "as clearly defined and restricted by its articles of incorporation". Also by striking out the comma after the word "attested" in the eighth line of said section and inserting the following: "by the secretary of state or other state officer in whose office the original articles were filed,".

SEC. 8. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 19, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 105.

## CORPORATIONS TO MAKE ANNUAL REPORT AND PAY ANNUAL FEE TO SECRETARY OF STATE.

S. F. 31.

AN ACT requiring all corporations doing business within the state to make an annual report and pay an annual license fee to the secretary of state, and amending section sixteen hundred twelve (1612) of the supplement to the code, 1907.

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

**SECTION 1. Annual report—what to contain.** Any corporation, organized under the laws of this state or under the laws of any other state, territory or any foreign country, which has complied with the laws of this state relating to the organization of corporations and secured a certificate of incorporation or permit to transact business in this state, and any corporation that may hereafter organize and become incorporated under the laws of this state, and shall secure a certificate of incorporation or permit to transact business in this state, and any foreign corporation that may hereafter comply with the laws of this state relating to foreign corporations and secure a permit to transact business within this state, shall, between the first day of July and the first day of August of each year, make an annual report to the secretary of state, said report to be in such form as he may prescribe, upon a blank to be prepared by him for that purpose, and such report shall contain the following information:

1. Name and postoffice address of the corporation.
2. The amount of capital stock authorized.
3. The amount of capital stock actually issued and outstanding.
4. Par value of such stock, designating whether preferred or common stock, and amount of each kind.
5. The names and postoffice addresses of its officers and directors and whether any change of place of business has been made during the year previous to making said report.

**SEC. 2. Report signed and sworn to—annual permit.** The report required by section one (1) of this act shall be signed and sworn to by an officer of the corporation and when filed with the secretary of state shall be accompanied by the fee required in section three (3) hereof and also by an application for a permit to be issued to said corporation under the provisions of this act; said permit to be in such form as the secretary of state may prescribe and which shall be in force and effect for one year from and after the first day of July of the year in which it is issued, except that where the term of a corporate existence shall expire in less than a year from the first day of July aforesaid, then said permit shall be issued for such unexpired term only, provided, however, that any corporation organized under the laws of this state, and any foreign corporation filing a certified copy of its articles of incorporation after the first day of April of any year, shall be exempt from the provisions of this act for the period ending one year from the first day of July following, after which it shall be subject to all the provisions of this act.

**SEC. 3. Annual fee.** Every corporation whose corporate period has not expired, which has heretofore obtained, or may hereafter obtain, a certificate of incorporation or permit under the provisions of chapter one (1) of title nine (9) of the code to transact business in this state as a corporation, whether the same be a domestic or a foreign corporation, shall pay to the secretary of state an annual fee in the sum of one dollar (\$1.00).

**SEC. 4. Failure to report and pay fee—penalties.** Any corporation organized under the laws of this state, and any foreign corporation authorized



to do business in this state, which shall fail to make the report and pay the annual fee provided for in this act, and within the time required in section one (1) hereof, shall incur the following penalties beginning with the month of September and dating from the first day thereof to wit: For the month of September the sum of two dollars (\$2.00), for the month of October the sum of four dollars (\$4.00), for the month of November the sum of six dollars (\$6.00), for the month of December the sum of eight dollars (\$8.00), and for each month thereafter the sum of ten dollars (\$10.00). If on the first day of May following, such corporation shall not have filed the annual report and paid the annual fee, together with all monthly penalties due at the time of filing said report and paying said fee, the secretary of state shall furnish to the attorney general a list of delinquent domestic corporations and he may direct the county attorney of the county in which the corporation has its principal place of business to bring suit for the collection of the fee and penalties then due, or may bring such action himself. Any domestic corporation may, prior to the first day of May, 1910, and the first day of May of any subsequent year, escape the payment of fee and penalties by dissolving the corporation and filing with the secretary of state a proof of publication of notice of dissolution. Any foreign corporation that shall fail to make the annual report and pay the annual fee and penalties that may be due shall thereby forfeit its right to do business within this state.

**SEC. 5. List of delinquent corporations.** During the month of August of each year the secretary of state shall prepare a list of all delinquent corporations and file the same in his office, and on or before the first day of September he shall send by registered mail to each delinquent a notice of such delinquency and of the penalties provided in section four of this act, and that if the annual report required is not filed and the annual fee paid, together with penalties due, on or before the last day of April, that on the first day of May following, notice of such delinquency will be filed with the attorney general who may cause action to be brought for the collection of the fee and penalties due the state.

**SEC. 6. Declaration of forfeiture and cancellation.** On the first day of May following the date of the notice provided for in section five (5) of this act, all foreign corporations that have not complied with the provisions of this act shall forfeit the right to transact business in this state and a declaration of forfeiture and cancellation shall be entered upon the margin of the record of the certified copy of the articles of incorporation of such company in the office of the secretary of state or in such other record as the secretary of state may provide.

**SEC. 7. Not applicable to banks and certain other corporations.** Nothing in this chapter shall be construed as imposing an annual fee or requiring a report from any corporation organized for religious, educational, scientific or charitable purposes or other corporations organized under chapter two (2) of title nine (9) of the code, or of any corporation engaged in the banking business.

**SEC. 8. List of live corporations—file with county recorder.** After the first day of November and not later than the first day of January of each year, the secretary of state shall compile an alphabetical list of the domestic and foreign corporations that have complied with the provisions of this act, together with postoffice address, and mail a copy thereof to each county recorder in this state, who shall file the same in his office.

**SEC. 9. Secretary of state to notify corporations.** It shall be the duty of the secretary of state between the first day of May and the first day of July of each year to notify all corporations whose corporate period has not expired, or, that have not dissolved according to law, that are subject to the provisions of this act, of the requirements herein made, enclosing therewith

a blank form of report and application as herein provided; and the mailing of said notice at Des Moines, Iowa, addressed to the corporation at its postoffice address as shown by the records of his office shall be deemed a full, complete, and legal notice for the purpose of this act.

SEC. 10. **Repeal.** The second sentence of section sixteen hundred and twelve (1612) of the supplement to the code, 1907, which reads as follows is hereby repealed: "The corporation shall annually, in January, file with the secretary of state a list of its officers and directors, and any change in the location of its place of business made by a vote of the stockholders."

SEC. 11. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 9, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 106.

### REINCORPORATION OF CEMETERY ASSOCIATIONS.

S. F. 269.

AN ACT amending the law as it appears in section sixteen hundred fifty (1650) of the code, relating to the reincorporations of the cemetery associations.

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

SECTION 1. **Cemetery associations—reincorporation.** That section sixteen hundred fifty (1650) of the code be and the same is hereby amended by adding thereto the following words:

"The trustees acting at the time of reincorporation of any cemetery association organized as a corporation under the laws of the state of Iowa, whose incorporation may have expired by operation of law or by the terms of its articles of incorporation, may reincorporate the same and all of the property and rights thereof shall vest in the corporation as reincorporated, for the use and benefit of all of the shareholders in the original corporation."

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force on and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 9, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 107.

### AUDITING OF ACCOUNTS OF THE DEPARTMENT OF AGRICULTURE.

S. F. 93.

AN ACT to repeal the law as it appears in section sixteen hundred fifty-seven-q (1657-q) of the supplement to the code, 1907, and to enact a substitute therefor relating to the auditing of accounts of the department of agriculture.

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

SECTION 1. **Repeal—examination by state accountant—report.** That the law as it appears in section sixteen hundred fifty-seven-q (1657-q) of the sup-

plément to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:

"Prior to the annual convention of the department of agriculture, the state accountant, provided for in section one hundred sixty-one-a (161-a) of the supplement to the code, 1907, shall examine and report upon all financial business of the department of agriculture, said report to be made to the executive council. Such report shall be edited under the direction of the executive council and be published in accordance with the provisions of section one hundred sixty-three (163) of the code and acts amendatory thereof."

Approved February 23, A. D., 1909.

## CHAPTER 108.

### STATE AID TO COUNTY AND DISTRICT FAIRS.

S. F. 48.

AN ACT to amend the law as it appears in section sixteen hundred and sixty-one-a (1661-a) of the supplement to the code, 1907, relative to state aid to county and district fairs.

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

**SECTION 1. State aid—not to exceed \$300.** That the law as it appears in section sixteen hundred and sixty-one-a (1661-a) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "premiums" in line eleven (11) the words, "up to five hundred dollars, and ten per cent additional of the amount paid in premiums over five hundred dollars"; and by striking out the word "two" after the word "of" in line twelve (12) and inserting in lieu thereof the word "three".

Approved March 12, A. D. 1909.

## CHAPTER 109.

### SHORT COURSE IN AGRICULTURE AND DOMESTIC SCIENCE.

H. F. 189.

AN ACT to amend the law as it appears in section sixteen hundred and sixty-one-a (1661-a) and sixteen hundred seventy-five (1675) supplement to the code, 1907, allowing appropriations for a short course in agriculture and domestic science.

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

**SECTION 1. Short course—state aid.** That section sixteen hundred and sixty-one-a (1661-a) and sixteen hundred seventy-five (1675) of the supplement to the code, 1907, be amended by adding thereto the following:

"Whenever one hundred (100) citizens of any county in the state that does not have a county or district fair, receiving the state aid as above provided, or that in any year may not hold a county fair, shall organize what is known as a 'short course' with a president, secretary, treasurer and executive committee of not less than five members (5) and shall hold a session of four (4) or more days at some place within the county and give a program, designed to promote the science of agriculture and domestic science, said 'short course' organization upon filing with the auditor of state by its president, secretary and treasurer a statement showing what sums it has actually paid out in value for premiums during the period of the short course of that year, together with the certificate of the secretary of the state board of agriculture showing that

it has reported according to law as provided in cases of county and district agricultural societies, shall be entitled to receive from the state treasurer a sum equal to forty per cent of the amount paid in premiums, but in no case shall the amount so received in any county exceed two hundred dollars (\$200). The payment from the state treasury herein provided for shall be made by warrant of the state auditor as soon as due proof is made to him of the holding of said 'short course' as herein provided; and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum necessary to pay the amount contemplated in this section.

**SEC. 2. Appropriation for farmers' institute payable to "short course," when.** All counties not holding a regular farmers' institute and where a short course is held, the money appropriated for such farmers' institute as provided in section 1675 of the supplement of the code, 1907, shall apply and be payable to said 'short course' upon proof of such organization and such 'short course' having been held, being filed with the state board of agriculture by the officers of said short course."

Approved April 5, A. D. 1909.

## CHAPTER 110.

### FARMERS' INSTITUTES.

S. F. 87.

AN ACT to repeal the law as it appears in section sixteen hundred seventy-five (1675) of the supplement to the code, 1907, relative to farmers' institutes and to enact a substitute therefor.

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

**SECTION 1. Repeal—farmers' institutes — state aid — appropriation.** That the law as it appears in section sixteen hundred seventy-five (1675) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"When forty or more farmers of a county organize a farmers' institute, with a president, secretary, treasurer, and an executive committee of not less than three outside of such officers and hold an institute, remaining in session not less than two days in each year, which institute may be adjourned from time to time and from place to place in said county, the secretary of the state board of agriculture, upon the filing with him a report of such institute and an itemized statement under oath showing that the same has been organized and held and for what purposes the money expended has been used, shall certify the same to the auditor of state, which state auditor shall remit to the county treasurer of such county his warrant for the amount so expended not to exceed seventy-five dollars and there is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, a sum not to exceed seventy-five dollars annually for such institute work in each county. No officer of any such farmers' institute shall receive directly or indirectly any compensation from said fund for said services as such officer. The report provided for in this section shall be filed with the secretary of the state board of agriculture on or before the first day of June of each year. When any institute fails to report on or before the first day of June that institute shall not receive state aid for that year."

Approved April 1, A. D. 1909.

## CHAPTER 111.

## INVESTMENT OF FUNDS OF INSURANCE COMPANIES OTHER THAN LIFE.

H. F. 263.

AN ACT to repeal section sixteen hundred ninety-nine (1699) of the code, relating to the investment of funds of insurance companies other than life, organized under chapter four (4), title nine (IX) of the code and to enact a substitute therefor.

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

**SECTION 1. Repeal—funds—how invested.** Section sixteen hundred ninety-nine (1699) of the code is hereby repealed and the following enacted in lieu thereof:

"Any company organized under this chapter may invest its capital and funds in the following described securities and no other:

1. The bonds of the United States.
2. The bonds of this state or any other state when such bonds are at or above par.
3. Bonds or other evidences of indebtedness of any county, city, town or school district within the state or any other state, drainage district bonds of this state, improvement certificates issued by any municipal corporation of this state, such certificates being a first lien upon real estate within the corporate limits of the municipality issuing the same, where such bonds, or other evidences of indebtedness are issued by authority of and according to law and bearing interest.
4. Bonds and mortgages and other interest bearing securities being first liens upon real estate within this state or any other state worth at least double the amount loaned thereon and secured thereby exclusive of improvements, or two and one-half times such amount including the improvements thereon, but no such improvements shall be considered in estimating the value unless the owner shall contract to keep the same insured during the life of the loan, in some reliable fire insurance company or companies authorized to do business in the state, other than the company making the investment, in a sum at least double the excess of the loan above one-half the value of the ground exclusive of the improvements, the insurance to be made payable in case of loss to the company or association investing its funds, as its interest may appear at the time of loss; except that the surplus funds may be invested in stocks other than bank stock or in bonds or other evidences of indebtedness of any solvent dividend paying corporation organized under the laws of any of the states, or of the United States, or may be loaned thereon upon pledge thereof, at not exceeding eighty per cent of their current market value but no investment shall be made in the companies own stock."

Approved April 15, A. D. 1909.

## CHAPTER 112.

## AUTOMOBILE AND MARINE INSURANCE.

S. F. 164.

AN ACT to amend the law as it appears in section seventeen hundred and fifty-eight-a (1758-a) and section seventeen hundred and nine (1709) of the supplement to the code, 1907, giving insurance companies, in addition to the authority now enjoyed, the right to issue policies upon automobiles and marine risks and further adding to the list of properties and rights that may be insured; repealing the law as it appears in section seventeen hundred and ten (1710) of the supplement to the code, 1907, and enacting a substitute therefor.

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

**SECTION 1. Automobile and marine risks excepted.** That the law as it appears in section seventeen hundred and fifty-eight-a (1758-a) of the supple-

ment to the code, 1907, be and the same is hereby amended by inserting after the word "state" in the third line the words, "except upon automobiles and marine risks".

**SEC. 2. Automobile and marine insurance authorized.** That the law as it appears in section seventeen hundred and nine (1709) of the supplement to the code, 1907, be and the same is hereby amended by adding thereto subdivision 9, as follows:

"9. Insure vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests and every insurance appertaining to or connected with marine risks of transportation and navigation, and insurance upon automobiles against loss or damage by fire from any cause whatsoever, explosion, self-ignition, lightning, salvage, theft, robbery, pilferage, collision, or marine or railroad perils."

**SEC. 3. Repeal—kinds of risks—limitations.** That the law as it appears in section seventeen hundred and ten (1710) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"No company organized by either of the methods provided in this chapter, or authorized to do business in this state, shall issue policies of insurance for more than one (1) of the nine (9) purposes mentioned in the preceding section, or expose itself to loss on any one risk or hazard, to an amount exceeding ten per cent of its paid up capital, unless the excess shall be re-insured in some other good and reliable company except as in this section provided, as follows:

Any stock company organized under the laws of this state, or authorized to do business in this state for the purpose of transacting the business specified in subdivision one (1) of the preceding section, and whose charter will permit, is authorized, in addition to insuring against the casualties specified in subdivision one (1), to also insure against the casualties specified in subdivision nine (9) of the preceding section.

Any stock company organized under the laws of this state for the purpose of transacting the business specified in subdivision five (5) of the preceding section with one hundred and fifty thousand dollars (\$150,000) capital stock, seventy-five thousand dollars (\$75,000) of which is paid up in cash, may in addition to insuring against the casualties specified in subdivision five (5), also insure against injury or loss to persons or property or both, growing out of explosion, or rupture of steam boilers and insure plate glass against breakage from accident; and any stock company organized under the laws of any other state, or nation, and authorized under the laws of this state to transact the business specified in subdivision five (5) of the preceding section, may if it has a paid up capital of two hundred and fifty thousand dollars (\$250,000) in addition to insuring against the casualties specified in subdivision five (5) of the preceding section, also insure against the casualties specified in subdivision six (6) or insure plate glass against breakage from accident, or if such company is possessed of a paid up capital of three hundred thousand dollars (\$300,000), it may, in addition to insuring against the casualties specified in subdivision five (5), insure against the casualties specified in subdivision six (6) and also insure plate glass against breakage from accident, provided further, however, that any stock company now or hereafter authorized under the laws of this state to transact the business described in division two (2) or subdivision five (5) of the preceding section shall, in addition to such insurance, also be authorized to insure against loss, or damage, resulting from theft, larceny, burglary, robbery, or attempt thereat. The restrictions as to the amount of risk a company may assume, shall not apply to companies that receive on deposit and guarantee the safe keeping of books, papers, moneys, and other personal property."

SEC. 4. **In effect.** This act being deemed of immediate importance shall be in full force and effect upon the publication in the Register and Leader and the Des Moines Capital, newspapers of Des Moines, Iowa.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 9, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

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## CHAPTER 113.

### LIMITATION OF ACTIONS.

H. F. 159.

AN ACT to repeal section eighteen hundred twenty (1820) of the code relating to limitation of actions and enacting a substitute therefor.

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

SECTION 1. **Repeal—limitation of action.** That section eighteen hundred twenty (1820) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

“No stipulation or condition in any policy or contract of insurance or beneficiary certificate issued by any company or association mentioned or referred to in this chapter, limiting the time to a period of less than one year after knowledge by the beneficiary within which notice or proofs of death or the occurrence of other contingency insured against must be given, shall be valid.

SEC. 2. **Same.** In case of accident or health insurance it shall be valid for any company or association to limit by contract the time when notice or proofs of death, cause of disability or other contingency insured against shall be given; but in no case shall said notice be limited to a period of less than 60 days after knowledge by the beneficiary within which such notice or proofs must be given.”

Approved April 1, A. D. 1909.

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## CHAPTER 114.

### DISSOLUTION OF STATE BANKS.

S. F. 208.

AN ACT to amend section eighteen hundred and fifty-seven (1857) of the code, relating to the dissolution of state banks.

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

SECTION 1. **Dissolution.** That section eighteen hundred and fifty-seven (1857) of the code be, and the same is hereby amended by inserting before the word “savings” in the first line thereof the words “state or”.

Approved April 3, A. D. 1909.

## CHAPTER 115.

## BANK EXAMINERS.

H. F. 485.

AN ACT to repeal section eighteen hundred seventy-five (1875) of the supplement to the code, 1907, and enact a substitute therefor, relating to banks and banking.

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

**SECTION 1. Repeal—bank examiners—compensation—expenses—fees.** That section eighteen hundred seventy-five (1875) of the supplement to the code, 1907, be repealed and the following enacted in lieu thereof:

“**SEC. 1875.** The auditor of state may appoint not to exceed six bank examiners, to hold office at his pleasure, who shall give bond to the state, conditioned for the faithful discharge of their duties, in the sum of four thousand dollars, which shall be filed with and the sureties thereon approved by said auditor. One of said examiners shall, under the direction of the auditor of state, have charge of the department, examiners and reports. Said examiners shall receive as compensation for their services a salary of eighteen hundred dollars (\$1,800) each, per annum. The auditor of state and examiners shall be entitled to actual and necessary expenses incurred in the examination of banks and loan and trust companies, which shall be audited by the executive council and paid by the treasurer of state upon warrants drawn by the auditor of state, but the total amount of such expenses and the salaries of the examiners shall not in any one year exceed the amount of fees collected from such banks and loan and trust companies. Each of such banks and loan and trust companies shall pay to the auditor of state annually before the first of September, the following fees, which shall be by him turned into the state treasury as other fees of his office: those having a paid up capital of twenty-five thousand dollars, or under, the sum of fifteen dollars; those having a paid up capital of fifty thousand dollars and over twenty-five thousand dollars, a fee of twenty-five dollars; those having a paid up capital of one hundred thousand dollars and over fifty thousand dollars, a fee of thirty-five dollars; those having a capital of one hundred fifty thousand dollars and over one hundred thousand dollars, a fee of forty dollars; those having a capital exceeding one hundred fifty thousand dollars, a fee of fifty dollars. No bank examiner shall be assigned by the auditor of state to examine a bank or loan and trust company in a county in which he is interested in the business of a bank, or of a loan and trust company.”

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*



## CHAPTER 116.

## LIABILITY OF BANK TO ITS DEPOSITOR FOR PAYMENT OF FORGED OR RAISED CHECKS.

S. F. 213.

AN ACT fixing the liability of a bank to its depositor for payment of forged or raised checks. [Additional to chapter twelve (12) of title nine (IX) of the code, relating to banks.]

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

**SECTION 1. Depositor to notify bank—time limitation.** No bank shall be liable to a depositor for the payment by it of a forged or raised check unless within six months after the return to the depositor of the voucher of such payment, such depositor shall notify the bank that the check so paid is forged or raised.

Approved April 5, A. D. 1909.

## CHAPTER 117.

## LEVEES, DITCHES, DRAINS AND WATER COURSES; CONSTRUCTION ACROSS THE LAND OF OTHERS.

H. F. 549.

AN ACT to repeal sections nineteen hundred fifty-five (1955) and nineteen hundred fifty-six (1956) of the code and to enact substitutes therefor, and to amend section nineteen hundred fifty-nine (1959) of the code, all relating to the construction of levees, ditches or drains by owners of lands for agricultural, sanitary or mining purposes across the lands of others and providing for the condemnation of such lands as may be necessary for the construction and maintenance of such levees, ditches or drains.

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

**SECTION 1. Repeal—drainage across lands of others—application—notice—claims for damages.** Section nineteen hundred fifty-five (1955) of the code is hereby repealed and the following substituted therefor:

“Whenever the owner of any land shall desire to construct any levee, open ditch, tile or other under-ground drain, for agricultural, sanitary or mining purposes or for the purpose of securing more complete drainage or a better outlet, across the lands of others, or across or through the right-of-way and road bed of a railroad, and shall be unable to agree with the owner of any such lands, or with any such railroad company, through whose land or property he desires to construct the same, with regard to the location or manner of constructing any such ditch, drain or levee, or with regard to the compensation to be made, or with regard to any other matter properly connected therewith, he may file with the township clerk of the township in which any such land or right-of-way is situated, an application in writing, setting forth a description of the land or other property through which he is desirous of constructing any such levee, ditch or drain, the starting point, route, terminus, character, size and depth thereof. Upon the filing of any such application, the clerk shall forthwith fix a time and place for hearing thereon before the township trustees of his township, which hearing shall be not more than ninety (90) days nor less than thirty (30) days from the time of the filing of such application and thereupon the township clerk shall cause notice in writing to be served upon the owner of each tract of land across which any such levee, ditch or drain is proposed to be located, as shown by the transfer books in the office of the county auditor, and also upon the person in actual occupancy

of any such lands of the pendency and prayer of such application, the time and place set for hearing on the same before the township trustees, which notice, as to residents of the county and railroad companies, shall be served not less than ten (10) days before the time set for such hearing, in the manner that original notices are required to be served. In case any such owner is a non-resident of the county, such notice as to him shall be posted in three (3) public places within the township where his land is situated at least fifteen (15) days before the time set for such hearing, one of which places shall be upon the land of which he is the owner. Such notices may be served upon a railroad company by serving the same upon its nearest station agent. If at the hearing it should appear that any person entitled to notice, as provided herein, has not been served with notice as herein provided, the township trustees may postpone such hearing and fix a new time for the same and notice of such new day of hearing may be served on such omitted persons in the manner and for the same length of time provided herein, and by fixing such new day for hearing and by adjournment of the proceedings to such time, the trustees shall not be held to have lost jurisdiction of the subject matter of such proceeding nor of any persons previously served with notice. Any person or corporation claiming damages as compensation for or on account of the construction of any such improvement, shall file a claim in writing therefor with the township clerk at least two (2) days before the day fixed for hearing on the application and a failure to file such claim at the time specified shall be deemed to be a waiver of the right to claim or recover such damage. The term "lands" as used in this and the next section shall include right-of-way and other real estate of a railroad company."

**SEC. 2. Repeal—hearing—action of trustees.** Section nineteen hundred fifty-six (1956) of the code is hereby repealed and the following substituted therefor:

"At the time set for hearing on any such application, the trustees, if they are satisfied that the provisions of the preceding section have been complied with, shall proceed to hear and determine the sufficiency of the application as to form and substance, which application may be amended both as to form and substance before final action thereon. They shall also determine the merits of the application, all objections thereto and all claims filed for damages that may be occasioned by the location and construction of the proposed drainage improvement, and, if deemed necessary, the trustees may view the premises. The trustees may adjourn the proceedings from day to day, but no adjournment shall be for a longer period than ten (10) days. When the time for final action shall have arrived, the township trustees shall, if they find that the levee, ditch or drain petitioned for will be beneficial for sanitary, agricultural or mining purposes, locate the same and fix the points of entrance and exit on such land or property, the course of the same through each tract of land, the size, character and depth thereof, when and in what manner the same shall be constructed, how kept in repair, what connections may be made therewith, what compensation, if any, shall be made to the owners of such land or property for damages by reason of the construction of any such improvements, and any other question arising in connection therewith. The trustees shall reduce their findings, decision and determination to writing, which shall be filed with the clerk of such township, who shall record it in his book of records, together with the application and all other papers filed in connection therewith, and he shall cause the findings and decision of the trustees to be recorded in the office of the county recorder of the county in which such land is situated, and said decision shall be final unless appealed from as provided in the next section."

**SEC. 3. Location through or across railroad lands—costs and damages.** Section nineteen hundred fifty-nine (1959) of the code is hereby amended by adding after the period at the end thereof, the following:

“If any such ditch or drain shall be located through or across the right-of-way or other land of a railroad company, the trustees shall determine the cost of constructing the same across and through such property and the railroad company shall have the privilege of constructing such improvement through its property in accordance with the specifications made by the trustees and recover the cost thereof as fixed by the trustees. But such railroad company before it may exercise such privilege shall file its election to that effect with the township clerk within five (5) days after the decision of the trustees is filed, and in case such election is filed the applicant shall within ten (10) days thereafter pay to the township clerk for the use of the railroad company, the cost of constructing the drainage improvement through its property, in addition to the amount that may be allowed as damages; and when the railroad company shall have completed the improvement through its property in accordance with such specifications it shall be entitled to demand and receive from the township clerk such cost. If the railroad company shall fail to so construct the improvement for a period of thirty (30) days after filing its election so to do, the applicant may proceed to do so and may have returned to him the cost thereof deposited with the township clerk.”

Approved April 16, A. D., 1909.

## CHAPTER 118.

### LEVEES, DITCHES, DRAINS, WATER COURSES AND DRAINAGE DISTRICTS.

H. F. 495.

AN ACT to amend the law as it appears in sections nineteen hundred eighty-nine-a two (1989-a2), nineteen hundred eighty-nine-a five (1989-a5), nineteen hundred eighty-nine-a six (1989-a6), nineteen hundred eighty-nine-a seven (1989-a7), nineteen hundred eighty-nine-a eight (1989-a8), nineteen hundred eighty-nine-a ten (1989-a10), nineteen hundred eighty-nine-a twelve (1989-a12), nineteen hundred eighty-nine-a thirteen (1989-a13), nineteen hundred eighty-nine-a fourteen (1898-a14), nineteen hundred eighty-nine-a sixteen (1989-a16), nineteen hundred eighty-nine-a eighteen (1989-a18), nineteen hundred eighty-nine-a twenty-two (1989-a22), nineteen hundred eighty-nine-a twenty-nine (1989-a29), nineteen hundred eighty-nine-a thirty-two (1989-a32), nineteen hundred eighty-nine-a thirty-five (1989-a35), nineteen hundred eighty-nine-a forty-four (1989-a44), of the supplement to the code, 1907, and to repeal sections nineteen hundred eighty-nine-a three (1989-a3), nineteen hundred eighty-nine-a eleven (1989-a11) and nineteen hundred eighty-nine-a nineteen (1989-a19) of the supplement to the code, 1907, and enact substitutes therefor; and to enact sections of law additional to chapter two-a (2-a) of title ten (X) of the supplement to the code, 1907. All relating to the subject of waters, water courses, levees, drains, and drainage districts.

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

**SECTION 1. Lands benefited included in surveyor's report.** That the law as it appears in section nineteen hundred eighty-nine-a2 (1989-a2) of the supplement to the code, 1907, be amended by inserting after the word “district”, in line thirty, the following: “so as to include therein all lands that will be benefited by the proposed improvements”.

**SEC. 2. Survey and location.** That the law as it appears in section nineteen hundred eighty-nine-a2 (1989-a2) of the supplement to the code, 1907, be amended by inserting after the word “shall” in line thirty-six, the words, “so far as practicable”; also by striking out from lines thirty-nine and forty of said section the words, “having due regard for straightening and shortening of such natural streams, water courses, and course of natural drainage”, and inserting in lieu thereof the following: “but where it will be more economical or practicable such ditch or drain need not follow the course of such natural streams,

water courses, or course of natural drainage, but may straighten, shorten or change the course of any natural stream, water course or general course of drainage"; also by inserting after the word "shall" in the forty-first line, the words, "when practicable".

**SEC. 3. Repeal—notice of hearing— approval of plan—hearing postponed.** That the law as it appears in section nineteen hundred eighty-nine-a3 (1989-a3) of the supplement to the code, 1907, be repealed and the following substituted in lieu thereof:

"Upon the filing of the return of the engineer, if the same recommends the establishment of the levee or drainage district, the board of supervisors shall then examine the return of the engineer, and if the plan seems to be expedient and meets with the approval of the board of supervisors, they shall direct the auditor to cause a notice to be given, as hereinafter provided. But if it does not appear to be expedient and is not approved, the board of supervisors are hereby authorized to direct said engineer, or another engineer, selected by them, to report another plan. At any time prior to the establishment of the district, the plan may be amended, and as amended shall be conclusive, unless appealed from as provided in section nineteen hundred eighty-nine-a6 (1989-a6) of this chapter. When the plan, if any, shall have been finally adopted by the board of supervisors, they shall order the auditor immediately thereafter to cause notice to be given to the owner of each tract of land or lot within the proposed levee or drainage district, as shown by the transfer books of the auditor's office, including railway companies having rights of way in the proposed district, and to each lien holder or encumbrancer of any land through which or abutting upon which the proposed improvement extends as shown by the county records, and also to all other persons whom it may concern, including actual occupants of the land in the proposed district, (without naming individuals), of the pendency and prayer of said petition, the favorable report thereon by the engineer and that such report may be amended before final action, the day set for hearing on said petition and report before the board of supervisors, and that all claims for damages must be filed in the auditor's office not less than five days before the day set for hearing upon the petition, which notice shall be served by publication thereof once each week for two consecutive weeks in some newspaper of general circulation published in the county, the last of which publications shall be not less than twenty days prior to the day set for hearing upon the petition, proof of such service to be made by affidavit of the publisher and filed with the county auditor. No notice need be served by the auditor upon any of the persons hereinbefore described who shall file with said auditor a statement in writing signed by him entering his appearance at said hearing and waiving any additional notice. If, at the date set for the hearing before the board of supervisors, it should appear that any person entitled to notice, as provided in this section, has not been served with notice for the time, or in the manner, as herein provided, the board may postpone said hearing and set another time for the same, and notice of such day of hearing may be served on such omitted parties in the manner and for the same length of time, as provided for in this section, and by fixing such new day for hearing and by adjourning said proceedings to said time, the board of supervisors shall not be held to have lost jurisdiction of the subject matter of said proceeding, nor of any parties so previously served with notice. Personal service upon any of the parties above described in the manner and for the time required for service of original notices shall be sufficient and make publication of notice as to such persons unnecessary."

**SEC. 4. Sufficiency of petition.** That the law as it appears in section nineteen hundred eighty-nine-a5 (1989-a5) of the supplement to the code, 1907, be amended by striking out from line four the words "manner (matter)", and inserting in lieu thereof the word "substance".

**SEC. 5. Appointment of appraisers to assess damages.** That the law as it appears in section nineteen hundred eighty-nine-a5 (1989-a5) of the supplement to the code, 1907, be amended by striking out all of said section following the semi-colon after the word "adjournment", in line twenty-three, and inserting in lieu thereof the following: "and the county auditor shall appoint three appraisers to assess such damages, one of whom shall be the engineer theretofore appointed as above provided, or, in case of his absence or inability to act, some other engineer, and two freeholders of the county who shall not be interested in, nor related to any party interested in the proposed improvement."

**SEC. 6. Notice of appeal—finding of court certified.** That the law as it appears in section nineteen hundred eighty-nine-a6 (1989-a6) of the supplement to the code, 1907, be amended by striking out the word "ten" in line twenty-seven of said section, and inserting the word "twenty" in lieu thereof; also by striking out the period after the word "term" in line thirty-four, and inserting in lieu thereof a semi-colon and after it the words, "the finding of the court in relation to the establishment of or refusal to establish the levee or drainage district shall be certified by the clerk to the board of supervisors, who shall enter an order in harmony therewith and proceed accordingly."

**SEC. 7. Bond security for payment of damages.** That the law as it appears in section nineteen hundred eighty-nine-a7 (1989-a7) of the supplement to the code, 1907, be amended by striking out from lines four and five the words "upon such terms and conditions as the county auditor may deem just and proper" and inserting in lieu thereof the words, "by sufficient bond to be fixed and approved by the county auditor".

**SEC. 8. Notice of letting work—how published.** That the law as it appears in section nineteen hundred eighty-nine-a8 (1989-a8) of the supplement to the code, 1907, be amended by striking out the word "four" in the second line of said section and inserting the word "two" in lieu thereof.

**SEC. 9. Failure to perform work—penalty.** That the law as it appears in section 1989-a10 of the supplement to the code, 1907, be amended by striking out the word "shall" in line six and inserting in lieu thereof the word "may"; also by striking out the period at the close of said section and inserting in lieu thereof a semi-colon and after it the following: "or the board may cause the uncompleted work to be done, paying therefor out of the balance of the contract price not theretofore paid over to the contractor, and if the expenses of so completing the work exceed such balance of the contract price, then the board of supervisors may cause an action to be brought in the name of the county in behalf of said district for the recovery of the amount of such excess from the contractor and his bondsmen."

**SEC. 10. Repeal—changes in dimensions.** That the law as it appears in section nineteen hundred eighty-nine-a11 (1989-a11) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"If, after the establishment of said district, it shall become apparent that a levee or drain should be enlarged, deepened or otherwise changed or that a change or alteration in the location should be made for the better service thereof said board may by resolution authorize such change or changes in the said improvement as the engineer shall recommend; provided that whenever any change or changes are made either under this section or under any other section of this chapter, all persons whose land shall be taken thereby shall first have been given like notices as provided in section nineteen hundred eighty-nine-a3 (1989-a3) of this chapter, and shall have like opportunity to file claims for damages, as provided for in section nineteen hundred eighty-nine-a4 (1989-a4) of this chapter, and like opportunity to appeal from the action of

the board as provided in section nineteen hundred eighty-nine-a6 (1989-a6) of this chapter.”

**SEC. 11. Assessment of costs and damages—how levied.** That the law as it appears in section nineteen hundred eighty-nine-a 12 (1989-a 12) of the supplement to the code, 1907, be amended by striking out the word “county” in line eight of said section and inserting in lieu thereof the word “state”; also by inserting after the word “appointment” in line eleven the words “begin to”; also by striking out the word “assess” in line forty-three and inserting in lieu thereof the word “levy”; also by striking out the period following the word “district” in line forty-four and inserting a semi-colon in lieu thereof and after it the words “and all installments of the tax shall be levied at that time, and shall bear interest at six per cent per annum from that date; which rate may be later reduced to correspond with the rate specified in the certificates or bonds as the case may be. Provided, however, that no deferred installment of the amount assessed, as between vendor and vendee, mortgagor and mortgagee, shall become a lien upon the property against which it is assessed and levied, until the thirty-first day of December of the year next preceding that in which it is due and payable”.

**SEC. 12. Benefits—how estimated.** That the law as it appears in section nineteen hundred eighty-nine-a 13 (1989-a 13) of the supplement to the code, 1907, be amended by striking out the period following the word “lands” in line six thereof, and inserting in lieu thereof a comma, and after it the words “or brings an outlet nearer to said lands or relieves the same from overflow.”

**SEC. 13. Appeal—drainage record.** That the law as it appears in section nineteen hundred eighty-nine-a 14 (1989-a 14) of the supplement to the code, 1907, be amended by striking out all of said section following the period after the word “district” in line fourteen of said section, and inserting in lieu thereof the following:

“The board of supervisors shall be a proper party in all appeal cases, or actions attacking the proceedings of the board had and taken under the provisions of this chapter, for the purpose of representing the drainage district, and all interested parties therein, other than those prosecuting the appeal or other adversary action; and the employment of counsel by the board as authorized in this chapter shall be for the purpose of protecting all the rights of the drainage district and interested parties therein other than those prosecuting the appeal or other adversary action. In all appeals or adversary actions, the appellant or complaining party shall be entitled the plaintiff and the board of supervisors and drainage district it represents the defendant. When an appeal authorized by this chapter, is taken the county auditor shall forthwith make a transcript of the notice of appeal and appeal bond and transmit the same to the clerk of the district court, and the clerk shall docket the same upon payment by the appellant of the docket fee; and on or before the first day of the next succeeding term of the district court, the appellant shall file a petition setting forth the order or decision of the board appealed from and his claims and objections relating thereto; a failure to comply with these requirements shall be deemed a waiver of the appeal and in such case the court shall dismiss the same; it shall not be necessary for the appellee to file answer to the petition unless some affirmative defense is made thereto, but he may do so. The board shall provide a book to be known as the ‘drainage record’ and the county auditor shall keep a full and complete record therein of all proceedings of the board relating to drainage districts.”

**SEC. 14. Subsequent proceedings—compensation for use of former survey returns.** That the law as it appears in section nineteen hundred eighty-nine-a-16 (1989-a 16) of the supplement to the code, 1907, be amended by inserting

after the comma following the word "return" in line ten of said section the words "levels, surveys,"; and also by striking out the period at the end of said section and inserting in lieu thereof a semi-colon and adding to said section the following: "and in case the cost of said returns, levels, surveys, plat and profile made in said former proceedings have been paid for by the former petitioners or their bondsmen, then a reasonable amount shall be allowed said petitioners or bondsmen for the use of the same." And be further amended by striking out the letter "a" following the word "proceedings" in the fourth line from the end of said section and inserting in lieu thereof the word "or".

**SEC. 15. Construction across railroad—cost of bridges and culverts borne by railroad.** That the law as it appears in section nineteen hundred eighty-nine-a 18 (1989-a 18) of the supplement to the code, 1907, be amended by inserting after the word "bridge" and before the comma following said word in the thirtieth line of said section the words: "when such improvement is located at the place of the natural water way or place provided by the railroad company for the flow of the water"; and that said section be further amended by inserting after the word "bridge" and before the word "shall" in the thirty-third line of said section the following words and punctuation marks, viz: "when such improvement is located at the place of the natural water way or place provided by the railroad company for the flow of the water,"; and that said section be further amended by adding after the period at the end of said section the following: "All other proceedings in relation to railroads shall be the same as provided for individual property owners within the drainage district."

**SEC. 16. Repeal—construction across highway.** That section nineteen hundred eighty-nine-a 19 (1989-a 19) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Whenever such levee, ditch, drain or change of any natural water course crosses a public highway, necessitating the removal or the building or rebuilding of any bridge or bridges, the board of supervisors shall remove, build or rebuild such bridge or bridges, paying the costs and expenses thereof from the county bridge fund. Whenever any highway within the levee or drainage district will be beneficially affected by the construction of any improvement or improvements in such district, it shall be the duty of the commissioners appointed to classify and assess benefits to determine and return in their report the amount of benefit to such highway, and notice thereof shall be served upon the clerk of the township in which said highway is located, as provided in the case of an individual property owner. The township trustees or clerk of such township may file objections to such assessment in the time and manner provided in case of land owners, and the trustees shall have the same right of appeal from the finding of the board with reference to the assessment on account of the benefits to such highway. One-fourth of such assessment shall be paid by the county from the county road fund, or from the county drainage fund, and three-fourths by the township. Such assessment may be paid by the township from its road fund, or at a regular or special meeting the township trustees may determine and certify to the board of supervisors the number of mills needed as a special drainage tax to meet the assessments that may be levied under this section, but not to exceed five (5) mills shall be so levied in any one year; and such funds when so raised shall be used for no other purposes whatever. The provisions of this section shall apply to drainage assessments heretofore levied on account of highways, which are still unpaid."

**SEC. 17. Protection of drain.** That the law as it appears in section nineteen hundred eighty-nine-a 22 (1989-a 22) of the supplement to the code, 1907, be amended by adding to said section the following:

“In making connections with the drainage improvements provided for in this chapter, care must be taken to so protect the drain or drains where such connection is made as to prevent damage thereto by washing out the banks or by permitting soil or silt to be carried into the public improvement, and to this end the board of supervisors may make specifications as to the manner in which all such connections shall be made.

**SEC. 18. Voting powers of boards of supervisors equalized.** That the law as it appears in section nineteen hundred eighty-nine-a 29 (1989-a 29) of the supplement to the code, 1907, be amended by striking out the word “ten” in line thirteen and substituting in lieu thereof the word “thirty”; also by adding to said section after the period at the end thereof, the following words: “When the boards of supervisors are of unequal number, each member of the board of the smallest number of members shall cast a full vote and each member of any larger board shall cast such fractional part of a full vote as may be determined by making the smallest number of the membership of any board the numerator and the number of the membership of any such larger board entitled to vote, the denominator of such fraction, so as to equalize the voting power of each board.”

**SEC. 19. Classification of premises.** That the law as it appears in section nineteen hundred eighty-nine-a 32 (1989-a 32) of the supplement to the code, 1907, be amended by striking out the word “classify” at the end of line six in said section, and inserting in lieu thereof the words “begin the work of classifying”.

**SEC. 20. Notice of appeal and bond filed with auditor.** That the law as it appears in section nineteen hundred eighty-nine-a 35 (1989-a 35) of the supplement to the code, 1907, be amended by adding thereto the following: “Notice of appeal and bond shall be given to and filed with the county auditor in the county where the appeal is taken.”

**SEC. 21. Inspection.** That the law as it appears in section nineteen hundred eighty-nine-a 44 (1989-a 44) of the supplement to the code, 1907, be amended by inserting after the comma following the word “necessary” in line four of said section, the words, “and at least once in each year”.

**SEC. 22. Additional lands included in drainage district.** That the law as it appears in chapter two-a of title ten of the supplement to the code, 1907, be amended by adding to said chapter as section 1989-a 54 the following:

“That after the original establishment of a drainage district, as in this chapter provided, if the said board is satisfied that additional lands should be included within any drainage district, and that said lands are benefited by the improvement therein, and that said lands should have been included in said original district, then, in such case, the board may order the engineer to make a plat of said lands, with the elevations thereof, and report thereon; and thereupon if said report be in favor of including additional lands, which shall be particularly described in the report, said board shall proceed in such matter as to said proposed annexed territory as in the original establishing of such district, including the fixing and levying of the special tax for benefits, and thereafter the said annexed territory shall be a part of said district, and governed in all respects as lands within the original district; or said annexation may be made and brought under the jurisdiction of the board for all of said purposes upon the petition of the owners of all the lands to be annexed.”

**SEC. 23. In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register



and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 19, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 119.

### LEVEES, DITCHES, DRAINS AND WATER COURSES; PROCEEDINGS AFTER DECISION UPON APPEAL.

S. F. 429.

AN ACT to amend the law as it appears in section nineteen hundred eighty-nine-a fourteen (1989-a14) of the supplement to the code, 1907, relating to proceedings after decision upon appeal.

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

SECTION 1. **Order of establishment rescinded—board to proceed anew.** That the law as it appears in section nineteen hundred eighty-nine-a fourteen (1989-a 14) of the supplement to the code, 1907, be amended by adding thereto the following:

“In any case where the decree is or has been entered setting aside the establishment of a drainage district for errors in the proceedings taken, and such decree becomes final, the board of supervisors shall rescind its order establishing the drainage district, assessing benefits, and levying the tax based thereon, and shall also cancel any contract made for construction work or material, and may refund any or all assessments paid in. The board shall fix a new date for hearing, giving notice thereof by publication for two weeks and at the time so fixed, enter its order as to the establishment of the proposed district, and thereafter proceed as by law provided.”

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 120.

### DRAINAGE BONDS.

S. F. 383.

AN ACT to amend the law as it appears in section nineteen hundred and eighty nine-a twenty-seven (1989-a27) of the supplement to the code, 1907, relating to drainage bonds, providing for additional levy of tax and sale of bonds in certain contingencies.

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

SECTION 1. **Drainage bonds.** The law as it appears in section nineteen hundred and eighty-nine-a twenty-seven (1989-a 27) of the supplement to the code, 1907, is hereby amended by inserting after the comma following the word “estimate” and before the word “a” in the fourteenth line the words “ or should the proceeds of the tax when collected be insufficient to pay the

principal and interest of bonds sold"; and by inserting after the comma following the word "manner" and before the word "but" in the fifteenth line, the words "to meet such excess of cost or shortage in the proceeds of tax".

SEC. 2. **In effect** This act being deemed of immediate importance shall take effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 15, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 17, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 121.

### ADDITIONAL HELP FOR COUNTY AUDITORS IN LEVEE OR DRAINAGE DISTRICTS; DRAINAGE RECORD.

H. F. 417.

AN ACT to repeal section one thousand nine hundred eighty-nine-a forty-two (1989-a42) to the supplement of the code, 1907, relative to the duties of the county auditor—and to the employment of additional help for county auditors in levee or drainage districts—and to the drainage record, and the enactment of a substitute therefor.

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

**SECTION 1. Repeal—additional help for the county auditor—drainage record.** That section one thousand nine hundred eighty-nine-a forty-two (section 1989-a 42) of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

"Whenever a levee or drainage district or districts shall be petitioned for or established in any county, the board of supervisors shall furnish such additional help, as shall be just and reasonable, to be paid by the county; and the county auditor shall be the custodian of all papers and records pertaining to the levee or drainage matter in his county and shall keep the book known as the 'drainage record' and shall record therein all of the proceedings of the board of supervisors pertaining to the subject of levees or drainage, as well as the papers required to be filed by the county auditor in such proceedings."

Approved April 6, A. D. 1909.

## CHAPTER 122.

### LEVEES, DITCHES, DRAINS AND WATER COURSES; ACQUISITION OF LAND FOR OUTLET PURPOSES.

S. F. 157.

AN ACT additional to chapter two-a (2-a), title ten (X) of the supplement to the code, 1907, relating to levees, ditches, drains and water courses, and providing for the acquirement of land by condemnation proceedings outside of a drainage district or county for purpose of securing proper outlet.

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

**SECTION 1. Acquisition of land for outlet purposes—condemnation proceedings.** In any case where the necessary outlet of any proposed drainage district is beyond the limits of the county wherein such district is projected, and in the judgment of the board of supervisors, expense will be saved such district by avoiding joint proceedings with such adjoining county and by proceeding as hereinafter authorized or whenever after establishment of any district it is

found necessary to extend the main ditch beyond the limits of such district as established, in order to secure proper outlet therefor, the board of supervisors shall have power to so extend such outlet and to use the general funds of the district for such purposes; and generally such board of supervisors shall have full power to treat with and to make fair and equitable agreements with any land owner, any other drainage district, ditching organization, corporation or association, within this state, whether the same may be acting under this or any other law, touching any work in which such district may be interested, or which may facilitate the flow of the waters from the lands within such district or the flow of waters from the lands lying above said district, through the ditches of such district. Where such drainage district shall find it necessary to acquire real estate for such outlet purposes the board of supervisors may proceed in the county where said real estate is located to condemn the same under the provisions of title ten (10) chapter four (4) of the code, and the amendments thereto, relating to the taking of private property for works of internal improvement.

Approved April 13, A. D. 1909.

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### CHAPTER 123.

#### WAYS TO LANDS WHICH HAVE NO OTHER MEANS OF ACCESS.

H. F. 433.

AN ACT to amend section two thousand twenty-eight (2028) as it appears in the supplement to the code, 1907, relating to ways to lands which have no other means of access.

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

**SECTION 1. Where located.** That section two thousand twenty-eight (2028) as the same appears in the supplement to the code, 1907, be and the same is hereby amended by inserting a comma after the word "division" in line five and after it the words "subdivision or forty".

Approved April 6, A. D. 1909.

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### CHAPTER 124.

#### LIABILITY OF CORPORATIONS OPERATING A RAILWAY FOR NEGLIGENCE OR WRONGS OF EMPLOYES.

S. F. 4.

AN ACT to amend the law as it appears in section twenty hundred and seventy-one (2071) of the supplement to the code, 1907, relating to the liability of corporations operating a railway for negligence or wrongs of employees.

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

**SECTION 1. Contributory negligence.** That the law as it appears in section twenty hundred and seventy-one (2071) of the supplement to the code, 1907, be amended by adding after the period at the end of said section the following:

"That in all actions hereafter brought against any such corporation to recover damages for the personal injury or death of any employe under or by virtue of any of the provisions of this section, the fact that the employe may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of

negligence attributable to such employe; provided, that no such employe who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employes contributed to the injury or death of such employe; nor shall it be any defense to such action that the employe who was injured or killed assumed the risks of his employment."

Approved March 25, A. D. 1909.

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## CHAPTER 125.

### INSTALLATION OF TELEPHONES AND THE POSTING OF NOTICES IN RAILWAY STATIONS.

H. F. 488.

AN ACT to repeal section two thousand seventy-seven-a (2077-a) of the supplement to the code, 1907, and to enact a substitute therefor relative to the installing of telephones and posting notices in railway stations.

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

**SECTION 1. Repeal—telephone—bulletins.** That section two thousand seventy-seven-a (2077-a) of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

"It shall be the duty of all railway companies on all lines of railways operated by them to install a telephone in each passenger or freight depot in any city or town where a telephone exchange is maintained for public service, said telephone to be connected with and for the use of the patrons of said exchange, and it shall be the further duty of all railway companies on all lines operated by them to keep posted in the waiting room of each passenger station, a bulletin plainly showing the time of arrival and departure at such station of all trains carrying passengers."

Approved April 16, A. D. 1909.

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## CHAPTER 126.

### EQUIPMENT OF LOCOMOTIVES USED IN SWITCHING OR YARD SERVICE.

S. F. 304.

AN ACT requiring the proper equipment of locomotives used exclusively in switching or yard service; providing for the safety of employes engaged in their operation, and providing a penalty for failure to properly equip such switch engines. [Additional to chapter five (5) of title ten (X) of the code, relating to construction and operation of railways.]

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

**SECTION 1. Headlights—foot boards—grab rails.** That it shall be unlawful for any railway or terminal transfer company, or any corporation operating locomotives in switching or yard service, to operate, or permit the same to be operated, unless said locomotives are equipped with headlight on both front and rear of engine, when operated between sunset and sunrise, and all such engines shall be equipped with a footboard of substantially uniform height, width and length, securely fastened and firmly braced to the pilot beam in front of engine, and a similar footboard on rear of tank or tender of engines, upon which employes may stand or ride when their duties require them so

to do, and that a substantial grab rail or rod be securely fastened upon said pilot beam at each end and in the center, at a convenient height for employes to reach and hold on to with their hands, said rod to extend across the full length of the said pilot beam, and also across the rear end beam of said tank or tender; provided that the provisions of this statute shall not apply to switching or yard service at stations or places where regular switch engines are not employed exclusively as switch engines, or during a period of not exceeding twelve (12) hours, when a switch engine is being cleaned or washed out, and also switching by work trains, and provided further that where regular switch engines are disabled by accident, or in need of repairs, or there is an unusual or unexpected amount of work, switching, under such conditions, with ordinary engines, for a period of not to exceed forty-eight hours, shall not be considered a violation of this statute.

SEC. 2. **Penalty.** Any person, railway company, terminal transfer or other corporation or company who violates any of the provisions of section one of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for any such violation, and each day that every such engine is operated shall constitute a separate and distinct violation of this act.

Approved April 2, A. D. 1909.

## CHAPTER 127.

### RAILROAD COMMISSIONERS.

S. F. 328.

AN ACT to amend the law as it appears in section two thousand one hundred and thirteen (2113) of the supplement to the code, 1907, enlarging the powers of the railroad commissioners.

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

SECTION 1. **Powers and duties.** That the law as it appears in section two thousand one hundred and thirteen (2113) of the supplement to the code, 1907, be amended by inserting after the comma, following the word "houses" in line twenty-three thereof, the following words and figures, "or the equipment thereof for the health and convenience of the public,".

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

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## CHAPTER 128.

## DUTY OF RAILROADS TO FURNISH TRANSPORTATION.

S. F. 23.

AN ACT to amend the law as it appears in section twenty-one hundred and sixteen (2116) of the supplement to the code, 1907, relating to the duty of railways to furnish transportation.

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

**SECTION 1. Transportation to be furnished within reasonable time.** That the law as it appears in section twenty-one hundred and sixteen (2116) of the supplement to the code, 1907, be and the same is hereby amended by striking out after the word "shall" in line two (2) of said section, the "comma" following said word "shall" and the words and punctuation "when within its power to do so, and" and adding to said section, after the "comma" following the word "notice" in line two (2) of said section, the words and punctuation "and within a reasonable time."

Approved April 1, A. D. 1909.

## CHAPTER 129.

## ENFORCEMENT OF RULES, ORDERS AND REGULATIONS OF RAILROAD COMMISSIONERS.

H. F. 54.

AN ACT to amend section two thousand one hundred nineteen (2119) of the code, relating to the enforcement of the rules, orders and regulations of the board of railway commissioners and to provide for the time when said rules, orders or regulations shall take effect.

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

**SECTION 1. Failure or refusal to comply—penalty.** [That section two thousand one hundred nineteen (2119) of the code be amended by adding thereto the following:]

"That all rules, orders and regulations affecting public rights, made or to be made by the board of railway commissioners, such as are now, or may hereafter be, authorized to be made by them for the future direction and observance of railroads in this state, shall be in full force and effect from and after the date fixed by the board for the taking effect of such rules, order and regulations. If any railroad fails, neglects or refuses to comply with any rule, order or regulation made by the board within the time specified, it shall pay a penalty of fifty (\$50.00) dollars for each and every day it fails, neglects or refuses to obey any rule, order or regulation so made to be recovered in any court having jurisdiction.

**SEC. 2. Appeal.** Any railroad aggrieved at any rule, order or regulation made by the board may institute proceedings in any court of proper jurisdiction to have the rule, order or regulation complained of vacated, if found by the court, after due trial, not to be reasonable, equitable or just, and if upon an appeal from any rule, order or regulation of the board the complaining railroad is successful in having such rule, order or regulation vacated, the aforesaid penalty shall be set aside, if unsuccessful, there shall be taxed as a part of the costs a reasonable attorney's fee for the attorney appearing in behalf of the state.

**SEC. 3. Time limit extended pending appeal—remission of accrued penalty.** The time for the taking effect of any rule, order, or regulation affecting public

rights, made by the board of railroad commissioners as provided herein, may, in its discretion, be extended, and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay. When any railroad shall fail upon appeal to secure a vacation of the order from which it has appealed, it may apply to the court in which said appeal is finally adjudicated for an order remitting the penalty which has accrued during the pendency of the appeal and upon a satisfactory showing that the order appealed from was unreasonable or unjust, or that the power of the board to make the same was doubtful and that said appeal has been prosecuted in good faith and not for the purposes of delay, such court may remit the penalty that has accrued during the pendency of the appeal."

Approved April 16, A. D. 1909.

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## CHAPTER 130.

### FREE PASSES BY COMMON CARRIERS.

S. F. 218.

AN ACT to amend the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, relating to free passes by common carriers.

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

SECTION 1. **What permitted.** That the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, is hereby amended by striking out the words "such members", in subdivision j thereof and substituting therefor the words "employees who die while in the service of such common carriers".

Approved March 25, A. D. 1909.

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## CHAPTER 131.

### THE MILITARY CODE OF IOWA.

H. F. 250.

AN ACT to repeal title eleven (XI) of the code and the law as it appears in title eleven (XI) of the supplement to the code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa."

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

SECTION 1. **Repeal and re-enactment of military code.** That title eleven of the code of Iowa and the law as it appears in title eleven of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof to be officially designated and known as, "The Military Code of Iowa."

SEC. 2. **Militia, who constitutes—enumeration—exemption.** The military force of the state of Iowa shall consist of every able-bodied male citizen, and every able-bodied male of foreign birth, who has declared his intention to become a citizen, who is between the ages of 18 and 45 years, not exempt from such service under the laws of the United States, except honorably discharged soldiers, sailors and marines of the United States, who shall be exempt from military service in this state at their option. The assessor shall

return to the auditor with the annual assessment a complete enumeration of such persons, which may be revised and corrected by the board of supervisors at its June session in each even-numbered year, or at such other time as the governor may direct, and the auditor shall certify to the adjutant general a true copy of such corrected list, and in each odd-numbered year he shall certify the number of names on the list. But no person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

**SEC. 3. The guard—soldier and company defined.** The organized militia shall be designated as the "Iowa National Guard," hereinafter referred to as "the guard," and it shall be recruited by volunteer enlistments, from persons of the state eligible to military duty. In this act the word "soldier" shall include musicians and all persons in the guard or in the militia when called into service, except commissioned officers, and the word "company" shall include battery, troop, band, signal corps and hospital corps except as herein otherwise provided.

**SEC. 4. Guard to conform to federal requirements.** The organization, armament, equipment and discipline of the guard, except as hereinafter specifically provided, shall be the same as that which is now or may be hereafter prescribed under the provisions of the act of congress approved January 21, 1903, as amended May 27, 1908, relating to the militia or any subsequent amendments thereto or substitutes therefor; and as to those requirements which are mandatory therein as may be prescribed by the regulations of the war department published in pursuance therewith, and so far as the governor may prescribe as to these things which are optional therein; and any change hereafter made shall become effective as to the guard when an order or regulation to that effect shall have been promulgated by the governor.

**SEC. 5. Organization of the guard.** The guard shall consist of at least four regiments of infantry, with such necessary complement of machine gun companies as may at any time be prescribed, one medical department consisting of a medical corps, and a hospital corps, and, at the discretion of the governor, two signal companies, one regiment of cavalry, four batteries, and such other staff corps or departments as may be prescribed by the governor; and to further conform to the national militia laws, the governor shall, from time to time, prescribe in regulations and orders the organization of the guard in such manner as to make the said organization conform to the requirements for the organized militia under the laws of the United States.

**SEC. 6. Other military organization prohibited.** It shall be unlawful for any body of men, other than the guard of this state and the troops of the United States, to associate themselves together as a military company or organization within the limits of this state without the written permission of the governor, which he may at any time revoke; but this provision shall not prevent civic, social or benevolent organizations from wearing uniforms and swords not in conflict with the other provisions of this act.

**SEC. 7. Governor to make and publish regulations and orders.** The governor is authorized to make and publish regulations and orders for the government and discipline and uniforming of the guard not in conflict with existing laws.

**SEC. 8. Laws and regulations governing guard.** The guard shall be subject to the military code of Iowa and all regulations and orders made and published in pursuance therewith, and in all matters not specifically covered thereby it shall be subject to the regulations of the war department governing the organized militia, the articles of war, the army regulations, and such regulations and orders as may be made and published in pursuance therewith.

**SEC. 9. Incorporation of companies.** Companies may incorporate under chapter two, title nine of the code of Iowa. The articles of incorporation may



provide for the methods of administration of civil business, and may provide for such officers as may be deemed necessary. The articles of incorporation shall be approved by the regimental commander and the adjutant general, and such approval endorsed thereon, before the same are recorded. They must provide among other things, that the name of the corporation shall be identical with the military designation of the organization, and that the officers of the company shall be officers of the corporation.

**SEC. 10. Company rules and by-laws—capacity to sue.** Each company may make rules and by-laws for its own government, not in conflict with existing laws and regulations and orders, subject to the approval of the regimental commander. Any person who is by such rules and by-laws made the custodian of any funds, whether originally derived from federal, state or other sources, shall have legal capacity to sue for the collection thereof or an accounting therefor.

**SEC. 11. Officers terms—who elect—conduct of elections.** Every general, field and line officer of the guard shall be elected for a term of eight years, and each officer shall be held to service for the full term commissioned, unless he shall sooner resign and his resignation be accepted, or he be discharged or dismissed by sentence of court-martial; provided, that the term of any officer commissioned and serving at the time of the passage of this act shall not be extended by its enactment. It is hereby made the duty of any officer removing from the state, and of any company officer upon permanently removing his place of residence from the station of such company, to resign his commission, and upon failure to do so, his commission shall be revoked by the governor. All company officers shall be elected by a majority vote of the enlisted men of the organization for which said officer is to be elected and commissioned, and all field officers of a regiment shall be elected by the majority vote of the line officers of such regiment; and all general officers shall be elected by the majority vote of all the line officers of the organizations composing the brigade or division, for the command of which such general officer is to be elected. Only those officers or enlisted men who belong to their respective organizations at the time when the order for any election is issued shall be eligible to vote at such elections; and all voting shall be in person, by ballot and by signing duplicate tally sheets, and under such further regulations as may be promulgated by the governor.

**SEC. 12. Examining boards.** An examining board of three or more competent officers, appointed by the governor, shall convene at such times and places as he shall direct, whose duty it shall be to examine into the capacity, qualifications, propriety of conduct and efficiency of commissioned officers of the rank of lieutenant, captain or major or any person who shall have been elected or appointed as lieutenant, captain or major, who shall be ordered before it, provided, however, that any person elected or appointed to an office superior to the rank of major must pass or have passed the examination provided for major, and, upon the report of said board, if adverse to such officer and approved by the governor, the commission of such officer shall be vacated, or the commission withheld. No officer shall be eligible to sit on such board whose rank or promotion would in any way be affected by the proceedings, and two members at least shall be of equal or superior rank to the officer examined. If any officer shall refuse to report himself before said board when directed, the governor shall, upon the report of such refusal by such board, vacate his commission.

**SEC. 13. Officers bonds.** All officers to whom shall be issued, or who shall be accountable for arms, equipment, uniforms and any other state or United States property for military uses, or who shall have the control, custody or disbursement of funds as provided for in this act, shall, before the delivery to them of such arms, equipment, uniforms and other state or United States

property, and the receipt of such funds, be required to execute and deliver to the adjutant general a bond therefor, with sureties to be approved by the governor and payable to the state, in such amount as may be fixed by the governor, conditioned according to law, for the proper care, use and return in good order, wear, use and unavoidable loss and damage excepted, of all such state and United States property, and the proper and faithful disbursement and accounting of all funds coming into the hands of such officer; upon the violation of any of the conditions of such bond, action thereon shall be brought by the adjutant general upon behalf of the state of Iowa, and any recovery thereon shall be credited to the guard funds of the state. It shall be the duty of the attorney general of the state to prosecute all actions upon such bonds.

**SEC. 14. Enlistments—continuous service—oath.** All enlistments shall be for three years, except that enlistments made within ninety days from date of discharge from the guard or the United States army, by reason of expiration of term, shall be considered continuous service in the guard, and such re-enlistments may be for one, two or three years, as the soldier may elect. Each person enlisting must sign the enlistment paper prescribed by the adjutant general and take the following oath or affirmation which shall be administered by the enlisting officer, to wit: "You do solemnly swear (or affirm) that you will bear true allegiance to, and that you will support the constitution of the United States and that of the state of Iowa, and will, as a member of the national guard, serve the United States and the state of Iowa faithfully through your term of service, unless sooner discharged, and that you will obey the orders of the commander-in-chief and such officers as may be placed over you, and the laws and regulations governing the military forces."

**SEC. 15. Governor's staff.** The staff of the governor shall consist of an adjutant general, who shall be chief of staff, an assistant adjutant general, both of whom shall have served honorably in the regular or volunteer service of the United States, or for not less than one year in the guard and twelve aids. The adjutant general and assistant adjutant general shall be appointed and commissioned by the governor, and shall hold office until their successors are appointed and commissioned. The assistant adjutant general shall be appointed upon the recommendation of the adjutant general. The aids may, at the discretion of the governor, be appointed and commissioned by him or detailed for such service from the active membership of the guard, or their duties may be performed by United States army officers regularly or specially detailed by the war department for service with the guard. The adjutant general shall have the rank of brigadier general and the assistant adjutant general that of colonel. The aids shall have the rank of lieutenant colonel except that any person so appointed, who has held a higher rank for a period of one year or more in the guard, may be appointed with the rank of the highest grade so held by him, and those detailed from the active membership of the guard shall retain their rank in the guard and shall not be relieved from their regular duties by reason of such detail. United States army officers, regularly or specially detailed for service with the guard or stationed in the state, may be assigned positions on the staff with their rank in the United States service or such higher rank, not above that of lieutenant colonel, as the governor may designate.

**SEC. 16. Adjutant general—duties—report—assistant.** The adjutant general shall issue and transmit all orders of the governor, and shall keep a record of appointments, of all officers commissioned by the governor, of all the general and special orders and regulations, and of such matters as pertain to the organization of the military force and his duties. He shall reside at the capital and hold his office at the pleasure of the governor. He shall have charge of the state arsenal and grounds and all other property of the state

kept or used for military purposes, and receive and issue all quarter-master and ordnance stores and camp equipage upon the order of the governor. The adjutant general shall furnish, at the expense of the state, such blanks and forms as shall be approved by the governor. He shall, in each year preceding a regular session of the general assembly, make out a detailed report of the transactions of his office, the expenses thereof and such other matters as shall be required by the governor for the period since the last preceding report, and the governor may, at any time, require a similar report. The assistant adjutant general shall be on duty with the adjutant general and shall perform such duties, under his direction as may be prescribed, and in the absence of the adjutant general shall perform the duties of that officer as acting adjutant general.

**SEC. 17. Compensation of adjutant general and assistants.** The adjutant general shall receive an annual salary of two thousand two hundred dollars in time of peace, and the assistant adjutant general shall receive an annual salary of one thousand five hundred dollars, and there shall be appointed a record clerk in the adjutant general's office who shall have charge of the war records under direction of the adjutant general, who shall receive a salary of twelve hundred dollars per annum, and such assistance shall be employed in the adjutant general's and quartermaster's departments as shall, in the opinion of the governor, be actually necessary, and any person so employed shall receive for the time actually and necessarily on duty such compensation as the governor may prescribe. When requisition shall be made on the governor of Iowa by the president of the United States for troops, and during the time the Iowa troops are in the service of the United States under call of the president, the salary of the adjutant general shall be increased so that he shall receive in full compensation for his services, pay and allowances equal to that of a brigadier general of the United States army.

**SEC. 18. Staff officers—company non-commissioned officers—staff departments.** The division staff shall be appointed and commissioned by the governor, upon the recommendation of the division commander. The brigade staff shall be appointed and commissioned by the governor, upon the recommendation of the brigade commander. The regimental staff shall be appointed and commissioned by the governor, upon recommendation of the regimental commander. The commissions of such division, brigade and regimental staff officers shall expire when the officer nominating them, or his successor, shall make new nominations for their respective offices, and when such persons shall have been appointed and commissioned. The commander of each regiment shall appoint by warrant from the enlisted men of his regiment, the non-commissioned staff, and upon recommendation of the company commanders he shall appoint the non-commissioned officers of each company and issue warrants to the persons thus appointed. When staff corps or departments are authorized by the governor as contemplated in section 5 of this act, the governor shall appoint and commission the chief of the staff corps or department, and shall appoint and commission such officers for such staff corps or department as may be authorized by orders and regulations, upon the recommendation of the chief of the staff corps or department.

**SEC. 19. President may call—term of service—other troops.** That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the government of the United States, or the president is unable, with the regular forces at his command, to execute the laws of the Union, it shall be lawful for the president to call forth such number of the national guard of Iowa as he may deem necessary to assist in repelling such invasion, suppressing such rebellion or to assist in enabling him to execute such laws, and to issue his orders for that purpose, through the governor, to such officers of the national guard of Iowa, as he

may think proper; and the president may specify, in his call, the period for which such service is required, and the guard so called forth shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the president, provided that no commissioned officer or enlisted man of the guard shall be held to service beyond the term of his existing commission or enlistment. And whenever the president shall require, in any of the designated instances, more troops than can be supplied by the guard of the state, the governor shall, in his discretion, organize forthwith such other national guard forces as he may deem necessary, or order into the service of the United States so many of the unorganized militia of the state as is required, designating the same by draft if a sufficient number do not volunteer, and shall commission officers therefor.

**SEC. 20. Governor may order out.** The governor shall have the power, in cases of insurrection, invasion or breaches of the peace, or imminent danger thereof, to order into the service of the state such of its military forces as he may think proper, under the command of the senior officer thereof.

**SEC. 21. Sheriff may call out.** In case of any breach of the peace, tumult, riot or resistance to process, or imminent danger thereof, the sheriff of any county may call for aid upon the commanding officer of any military company within his county, immediately notifying the governor of such action, and such officer shall order into service the military force, or any part thereof under his command in aid of the civil authority.

**SEC. 22. Parade, encampment, maneuver, target practice and school of instruction—transportation furnished.** The guard may parade for encampment or drill annually, by division, brigade, regiment, battalion or company, as ordered by the governor, and the members thereof or assignments of details therefrom, at the discretion of the governor, may be called out or detailed for target practice, school of instruction or other practice or instruction. In lieu of the encampments provided herein, the governor may, in his discretion, order part or all of the guard to participate in field maneuvers or other exercises for instruction in conjunction with troops of the United States army. Transportation shall be furnished for all military purposes.

**SEC. 23. Inspections—schools of instruction.** The governor shall require such inspections of the different organizations of the guard, and such schools of instruction for officers and enlisted men, as he may deem proper and necessary. The inspection shall be made by United States army officers, either on regular or special detail with the guard or in the state, where such officers are available for that purpose, and if made by other officers, the governor shall fix their compensation therefor in the orders for such inspections. The governor shall disband any company of the guard when it shall fall below a proper standard of efficiency, and he may order special inspections with a view of determining such efficiency. Schools of instruction may be ordered when sufficient funds are available beyond other requirements of this act.

**SEC. 24. Compensation and allowances for officers and men—stoppage of pay.** The military force, when in active service of the state upon the call of the governor or sheriff of any county, and the guard when paraded for drill, encampment, target practice, school of instruction, or other duty under orders of the governor, shall be paid the following compensation for time actually on duty; each commissioned officer shall receive for such service the pay of his rank in the United States army, without allowances, increase or additions on account of length of service, and without subsistence or other allowances other than transportation and quarters, except as herein otherwise provided. Enlisted men shall be furnished transportation, subsistence and quarters, and in addition thereto shall receive the following per diem: Chief musician, three dollars (\$3.00); principal musician, drum major, first class

sergeant, regimental sergeant major, commissary sergeant, quartermaster sergeant, color sergeant, first sergeant, two dollars (\$2.00); battalion sergeant major, company quartermaster sergeant, sergeant and cook, one dollar and seventy-five cents (\$1.75); corporal, farrier, saddler, blacksmith, one dollar and fifty cents (\$1.50); private, one dollar and twenty-five cents (\$1.25). Enlisted men who have served continuously for three years and not more than five years, shall receive an added amount of fifteen per cent of the above per diem, and those who have served continuously five years or more, an added amount of twenty-five per cent of the above per diem. When in actual service of the state, pursuant to the order of the governor, the compensation of the military force shall be paid out of the state treasury, and when such service is rendered upon the call of a sheriff of a county, such compensation shall be paid from the treasury of the county whose sheriff called for such military force. The claims for such services shall be audited and allowed in the former case by the governor and in the latter by the board of supervisors, upon presentment of proper claims therefor, at its next session. Should any part of the compensation above provided be paid by the United States, there shall be paid from the state or county treasury only that part thereof not paid by the United States. When on duty on rifle practice, range competition, or schools of instruction, officers shall receive such compensation or allowances as the governor shall designate in orders with reference thereto. Compensation, subject to payment by the state of Iowa, to the officers and enlisted men of the guard for military service, shall be subject to stoppage of payment for loss or damage to public property issued them for military uses.

**SEC. 25. Allowance for office expenses.** There shall be allowed annually to each division or brigade commander the sum of one hundred dollars and to each regimental commander the sum of three hundred dollars, which shall be paid in full in lieu of office rent, clerk hire, and for postage, stationery, issuing orders, making official records and all other papers or clerical work of such headquarters; and there shall be allowed annually to each company commander the sum of one hundred dollars, to each inspector of small arms practice, to the chief surgeon, to each major surgeon, and to each chief musician of bands, the sum of fifty dollars, for postage, stationery, issuing orders, making official returns, copying official records, and all other paper work required by regulations, which sum shall be payment in full for such services. All payments shall be made semi-annually and in the amounts as herein provided.

**SEC. 26. Armory rent—how apportioned.** There shall be allowed annually to each company for armory rent, lights, fuel and janitor service and like necessary expenses, not to exceed the sum of eight hundred dollars (\$800.00); to each band not to exceed the sum of five hundred dollars (\$500.00), and to each detachment of the hospital corps not to exceed the sum of three hundred dollars (\$300.00), or so much thereof as may be necessary, to be paid in such amounts, either in part or in whole, and under such regulations as a board of officers appointed by the governor shall prescribe, and approved by him.

**SEC. 27. Rifle ranges—annual allowance.** The governor may designate the location of four regimental rifle ranges, and the expenditure of the sum of two thousand dollars, or so much thereof as may be necessary, is hereby allowed for the acquisition and construction thereof, such sums to be expended under the direction of such officer or board of officers as the governor may direct, and the sum of two hundred dollars (\$200.00), or so much thereof as may be necessary, shall be allowed annually for expenditure in like manner for the rental and maintenance of each of said ranges, and the sum of one hundred dollars (\$100.00) annually for each company, or so much thereof as may be necessary, shall be allowed upon such conditions as the governor may

prescribe for the procurement, construction and maintenance of company rifle ranges. These payments to be made when sufficient funds are available beyond other requirements of this act.

**SEC. 28. Drill allowance for miscellaneous uses.** There shall be allowed annually to each company for miscellaneous military uses not otherwise provided for by the state, not to exceed the sum of five hundred dollars (\$500.00), the same to be paid semi-annually; companies showing full attendance and actual drill of those present of two hours each week shall be entitled to the full sum of five hundred dollars (\$500.00), and companies showing lesser attendance at drill shall be paid proportionately, provided that when a company's attendance at drill falls below fifty per cent it shall be deemed inefficient and forfeit its right to any allowance under this section. And for like purpose and under like requirements to each regimental band the sum of two hundred fifty dollars (\$250.00), and to each detachment of the hospital corps under like requirements the sum of one hundred twenty-five dollars (\$125.00). The same to be paid under such regulations as the governor shall prescribe.

**SEC. 29. Stoppage of payments.** No further payments shall be made under any provision of this act to the accountable officer of any organization, who does not fully and satisfactorily account to the adjutant general for all moneys theretofore paid to him under any provision of this act.

**SEC. 30. Penalties for trespass, sale of liquors, etc.** Any person who shall trespass upon the encampment grounds or the camp grounds of the military force of the state in active service or of the guard called out for encampment, drill, target practice or other duty, or interrupt, molest or interfere with any member of the guard in the discharge of his duty, or sell any malt or spiritous or other intoxicating liquor within one mile of such encampment, camp or station, except a person engaged in the business prior to the establishment of such encampment, camp or station under permit issued by lawful authority, shall be guilty of a misdemeanor and punishable therefor, and the commanding officer of such force may order the arrest of such person and cause him to be delivered to a peace officer or magistrate as soon as practicable.

**SEC. 31. Penalty for false return—misappropriation of funds.** Any officer or soldier of the guard knowingly making any false certificate of muster or false return of state property or funds in his hands, or wilfully neglecting or refusing to apply all money drawn from the state treasury for the purpose named in the requisition therefor, shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine in the amount of money not so applied, or both such fine and imprisonment, and all costs of prosecution.

**SEC. 32. Military stores property of the state—accountability.** All arms, uniforms, equipments and other military property furnished or issued by the state, or for which an allowance has been made, shall belong to the state, and shall be used for military purposes only, and each officer and soldier, upon receiving a discharge, or otherwise leaving the military service of the state, or upon demand of his commanding officer, shall forthwith surrender such state military property in his possession to said commanding officer. Every member of the guard who shall wilfully neglect to return to the armory of the company, or place in charge of the commanding officer of the company to which he belongs, any arms, uniforms, equipments or other military property, or portion thereof, belonging to the state within six days after being notified by said commanding officer to do so, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

**SEC. 33. Injury to or destruction of military property.** Every person who shall wilfully or wantonly injure or destroy any article of uniform, arms, equipment or other military property furnished or issued by the state, and refuse to make good such injury or loss, or who shall sell, dispose of, secrete

or remove the same with intent to sell or dispose of it, shall be punished by a fine [of] not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail for not more than four months or by both such fine and imprisonment.

**SEC. 34. Exemptions.** Every officer and soldier of the guard shall be exempt from jury duty, and labor on the road on account of poll tax during his term of service, and, except in cases of treason, felony or breach of the peace, be privileged from arrest during his attendance at drill, parades, encampments, active service, election of officers, and in going to and returning from the same. The uniform, arms, and equipments of every member of the guard shall be exempt from attachment, execution or sale for debt or taxes. Every member of the guard who has served the full term of his commission or enlistment, shall, upon application, be entitled to an honorable discharge, exempting him from military duty, except in time of war or public danger.

**SEC. 35. Service badges.** The adjutant general from the available funds at his disposal, shall procure and issue to the officers and men of the guard, entitled thereto, service badges according to the design and pattern thereof as may be determined upon by the adjutant general and kept on file at the office of the adjutant general.

**SEC. 36. Who may wear uniform—penalty.** Every person who at any time wears a uniform of the United States army, navy, marine corps or the guard, or any part of such uniform or a uniform, or a part of a uniform similar thereto, within the bounds of the state of Iowa, is guilty of a misdemeanor, and if found guilty of such offense, he shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment; provided, that nothing in this act shall be construed as prohibiting officers or enlisted men of the guard of the state of Iowa, or any other state, or of the United States army, navy, marine corps or revenue service, or forest service, or cadets at any university, college or school, from wearing such uniform or parts of uniform, while on military duty or duty connected therewith; and provided further that nothing in this act shall be construed as prohibiting inmates of any veterans' or soldiers' home, or any member of any war veterans' or sons of veterans' associations from wearing their uniform; and provided further that nothing in this act shall be construed as prohibiting persons of the theatrical profession from wearing such uniforms in any play house or theatre while actually engaged in following their profession; and provided further that nothing in this act shall be construed as prohibiting the uniformed ranks of civic societies parading or traveling in a body or being in encampments, or going to or from their place of meeting or when assembled in a lodge room in their adopted uniform.

**SEC. 37. Fines—how collected—what admissable in civil suit.** Every soldier absent from any tour of active service, parade, drill, encampment or inspection without leave or sufficient excuse, shall be fined two dollars (\$2.00) for each day of absence; and for any unsoldierly conduct during any such service he may be fined not more than ten dollars (\$10.00). Such fines shall be collected by civil action in the name of the state for the use of the company to which the soldier fined belongs; but in no case shall the state pay the costs of such action. Any company may impose such other fines upon its members as it may think proper in its by-laws, which may be enforced in the manner above provided. The findings of the court martial provided in section 39 of this act for the trial of soldiers charged with such offenses shall be conclusive evidence on the question of whether or not the soldier was absent without

sufficient excuse or whether he was guilty of unsoldierly conduct or whether he was guilty of an infraction of the by-laws of the company. Upon the trial of the civil action above provided for, no evidence shall be competent on the part of the defendant except that he may show in defense that the court-martial that determined his guilt did not comply with the provisions of the law or was for any reason without jurisdiction to determine the question of his guilt.

SEC. 38. **General courts-martial.** Any member of the guard charged with an offense as defined in this act or in the articles of war or general regulations governing the organized militia and the army of the United States or any regulations promulgated by the governor under authority of this act, may be tried by a general court-martial ordered and appointed by the governor. The organization of the court and the forms of procedure shall, as far as practicable, be those prescribed in the articles of war and regulations for the army and organized militia, except that it shall not be necessary for the continuance or conclusion of the proceedings of any court-martial to have the minutes of its proceedings, which may be taken in shorthand, transcribed into longhand before the completion of such proceedings, but such transcript shall be filed within a reasonable time after the conclusion of the proceedings of such court. The punishment fixed by the sentence shall not be other than dismissal or dishonorable discharge from the service, or reduction to the ranks if a non-commissioned officer, and suspension from duty and forfeiture of compensation or confinement for a period named in the sentence or reprimand, according to the gravity of the offense; except when the offense shall have been committed while in the active service of the state, when the punishment may be as prescribed in the articles of war, and a trial under this section shall be a trial within the provisions of section twelve of article one of the constitution of Iowa. Witnesses duly served with subpoena, signed by the judge advocate, shall appear and testify as if duly served with subpoena to appear and testify in the district court, and shall receive the same fees and mileage therefor, to be taxed as costs, which, with other necessary expenses of the judge advocate and the court, shall be taxed and certified by the president of the court-martial, and paid by the state treasurer upon the auditor's warrant issued therefor to the judge advocate, who shall pay the expenses of the trial.

SEC. 39. **Inferior and home station courts-martial.** Inferior courts-martial are hereby authorized, and the constitution, composition, jurisdiction and proceedings thereof shall be assimilated to courts of the same nature in the army of the United States, but no stoppage of pay or confinement shall exceed that provided for in similar courts by the United States army regulations. A home station courts-martial is hereby authorized for the trial of offenses referred to in section thirty-seven hereof. The governor shall provide regulations governing the same and the procedure connected therewith, provided that such regulations must prescribe at least five days' notice of the time of hearing of the charge, and shall provide that the hearing before such court-martial shall be public.

SEC. 40. **Approval of findings of courts-martial—record.** The proceedings of all general courts-martial shall be submitted to the governor, who shall approve or disapprove the same, or he may mitigate or remit any punishment imposed by the sentence of said court. The proceedings of inferior courts-martial shall be approved or disapproved by the commanding officer, who may in like manner mitigate or remit the punishment fixed in the sentence. In all cases the record of the proceedings of the court-martial, with the order of the governor or commanding officer accompanied therewith, shall be preserved as a permanent record in the office of the adjutant general.



**SEC. 41. Exemption from taxation—use of public utilities.** It shall be lawful for the boards of supervisors of the several counties and for the city councils of the several cities and towns of the state to exempt from taxation, all personal and real property, held and used for armory or military purposes; and it shall be lawful for any county or city or town which owns public utilities to grant to any organization of the guard which is stationed in such place, the free use of such public utilities.

**SEC. 42. Governor may improve camp grounds and rifle ranges.** The governor is authorized to expend from the funds appropriated for the support and maintenance of the guard such amounts as may be necessary in the erection of buildings and other improvements on the permanent camp grounds and rifle ranges purchased by the state for the use of the guard, or purchased by the United States for the use of the guard of this state, when in his judgment such buildings and improvements will be for the permanent good of the guard.

**SEC. 43. Appropriation.** There is appropriated out of any moneys in the treasury not otherwise appropriated, the sum of one hundred forty thousand (\$140,000) dollars per annum or so much thereof as may be necessary, for the support of the guard under the provisions of this act not applying to active service, which shall be drawn by a warrant, drawn by the auditor of state on the state treasurer, upon the certificate of the adjutant general approved by the governor, showing for what purpose each draft is to be or has been used, and no indebtedness shall be created in excess of such annual appropriation.

**SEC. 44. Present commission, enlistments, contracts and organizations not affected—exceptions.** The term of service and the rank of all officers and grades of all enlisted men in the guard at the time of the taking effect of this act shall not be affected thereby, unless especially mentioned herein, but each of said officers and enlisted men shall be held to service for the full period of the commission or enlistment under which he is then serving; neither shall the provisions of this act be construed to affect the continuity of the various organizations of the guard, nor of any contracts made by it, or by any of its organizations; provided, however, that upon the issuance of regulations and orders by the governor for the re-organization of the guard as herein contemplated or provided for, the governor may, if necessary in order to conform to such plan of re-organization, change the rank of any such officers or the grade of any such enlisted men.

Approved April 6, A. D. 1909.

## CHAPTER 132.

### LEVY OF TAX FOR THE POOR.

H. F. 230.

AN ACT to amend section two thousand two hundred and forty-seven (2247) of the code in relation to the levy of a poor tax.

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

**SECTION 1. Amount of levy.** That section two thousand two hundred and forty-seven (2247) of the code be amended by striking out the word "one" in the fifth line, and inserting in lieu thereof the word "two".

Approved April 8, A. D. 1909.

## CHAPTER 133.

## COSTS AND EXPENSES OF RECOMMITTING AND RETURNING PATIENTS TO THE HOSPITAL FOR INEBRIATES.

S. F. 333.

AN ACT to amend the law as it appears in sections twenty-three hundred ten-a nineteen (2310-a19) and twenty-three hundred ten-a twenty-eight (2310-a28) of the supplement to the code, 1907, relative to the expenses and payment thereof, and costs incurred on account of patients committed as inebriates to state hospitals, and repealing section twenty-three hundred ten-a thirty (2310-a30) of the supplement to the code, 1907, and enacting a substitute therefor relative to the payment of expenses for the returning of an escaped patient and recommitment to the hospital for inebriates.

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

**SECTION 1. Expenses of capture and return of paroled patients—how paid.** That the law as it appears in section two thousand three hundred ten-a-nineteen (2310-a-19) supplement to the code, 1907, be and the same is hereby amended by striking out all appearing in said section after the words “be paid” in the fourth line from the end of said section and inserting in lieu thereof the following: “out of any money in the state treasury not otherwise appropriated, on vouchers executed and approved as in other cases”.

**SEC. 2. Insane patients—expenses of hearing and return—how paid.** The law as it appears in section two thousand three hundred ten-a-twenty-eight (2310-a-28) supplement to the code, 1907, be and the same is hereby amended by striking out all appearing in said section after the word “inebriate” in the eighth line from the end of said section and inserting in lieu thereof the following: “shall be paid out of any money in the state treasury not otherwise appropriated on vouchers executed and approved as in other cases.”

**SEC. 3. Expenses of capture and return of escaped patients—how paid.** The law as it appears in section two thousand three hundred ten-a-thirty (2310-a-30) supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

“In case of the escape of any patient from the hospital all necessary expenses incurred in the recapture and recommitment of such patient shall be paid out of any funds in the state treasury not otherwise appropriated on vouchers executed and approved as in other cases.”

**SEC. 4. Claims paid out of contingent fund—how credited.** The board of control of state institutions is hereby authorized to permit the superintendent to pay any claims to which the three foregoing sections refer from the contingent fund provided for by the law as it appears in section two thousand seven hundred twenty-seven-a-forty-four (2727-a44) supplement to the code, 1907, and the institution support fund shall be credited at the beginning of each month with the amount, if any, paid during the preceding month from such contingent fund, as shown by the certificate of the superintendent approved by said board of control.

**SEC. 5. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 21, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 22, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 134.

## TRANSFER OF STATE CERTIFICATES FOR PURE BRED STALLIONS.

S. F. 88.

AN ACT to repeal section twenty-three hundred forty-one-d (2341-d) of the supplement to the code, 1907, and to enact a substitute therefor, relative to the transfer of state certificates for pure bred stallions.

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

**SECTION 1. Repeal—transfer of certificate—fee.** That section twenty-three hundred forty-one-d (2341-d) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

“When the owner of any registered stallion shall sell, exchange or transfer the same, he shall file said certificate, accompanying the same with a fee of fifty cents, with the secretary of the state board of agriculture, who shall upon receipt of the state certificate properly transferred, and upon the payment of the required fee, issue a new certificate to the then new owner of the animal. All fees provided by this act shall go into the treasury of the department of agriculture.”

Approved February 23, A. D. 1909.

## CHAPTER 135.

## LIEN UPON PROGENY OF STALLIONS FOR SERVICE FEE.

H. F. 126.

AN ACT providing that owners or keepers of stallions shall have a lien upon the progeny of any such animal for the service fee thereof. [Additional to chapter three (3) of title twelve (XII) of the code, relating to domestic animals.]

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

**SECTION 1. Lien.** The owner or keeper of a stallion kept for public services who has complied with sections twenty-three hundred and forty-one-a (2341-a), twenty-three hundred and forty-one-b (2341-b), twenty-three hundred and forty-one-c (2341-c) and twenty-three hundred and forty-one-d (2341-d) of the supplement to the code, 1907, shall have a prior lien upon the progeny of such stallion to secure the amount due such owner or keeper for the service of such stallion, resulting in said progeny, provided, that where such owner or keeper misrepresents such stallion by false pedigree no lien shall be obtained.

**SEC. 2. Limitation of lien.** The lien herein provided for shall remain in force for a period of six months from the birth of said progeny and shall not be enforced thereafter.

**SEC. 3. Enforcement—procedure.** The owner or keeper of such stallion may enforce the lien herein provided by placing in the hands of any constable an affidavit containing a description of the stallion and a description of the dam and the time and terms of service, and said constable shall thereupon take possession of said progeny and sell the same for non-payment of service fee by giving the owner of said progeny ten (10) days written notice, which notice shall contain a copy of the affidavit and a full description of the progeny to be sold, the time and hour when, and the place at which the sale will take place, and posting for the same length of time in three public places in the township of such owner's residence a copy of such notice. If payment of the service fee and the costs are not made before the date thus fixed, the constable may sell at public auction to the highest bidder such progeny and the owner or keeper of the stallion may be a bidder at such sale. The constable shall

apply the proceeds, first, in the payment of the costs, second, in the payment of the service fee. Any surplus arising from sale shall be returned to the owner of the progeny.

**SEC. 4. The right to foreclose may be contested.** The right of the owner or keeper to foreclose, as well as the amount claimed to be due, may be contested by any one interested in so doing, and the proceeding may be transferred to the district court, for which purpose an injunction may issue, if necessary.

Approved April 8, A. D. 1909.

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## CHAPTER 136.

### BOUNTY FOR KILLING OF GROUND HOGS.

H. F. 174.

AN ACT to provide for the payment of bounties for killing ground hogs. [Additional to section twenty-three hundred forty-eight (2348) of the code, relating to bounties.]

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

**SECTION 1. Amount of bounty.** The board of supervisors of any county may allow a bounty of twenty-five cents for each ground hog killed within the county to be paid out of the general county fund to the person killing the same, on the terms and conditions hereinafter provided.

**SEC. 2. Proofs required.** The person catching and killing any such animal shall remove and present to the officers, before whom he makes his proof, the head or scalp of each animal for which he claims the bounty, and the person claiming the bounty shall furnish written proof, under oath, that each animal for which he claims the bounty was caught and killed within the county against which he presents the claim for bounty, and the board of supervisors may require in addition to the above any other and further proof which it deems necessary and reasonable to show that each animal for which the bounty is claimed was caught and killed within the county against which the claim is presented.

**SEC. 3. To whom presented.** The scalp and other proofs required may be presented to the county auditor; and the board of supervisors of each county may appoint registrars or other officers in other parts of the county to whom scalps of the animal caught and other proofs of the killing may be presented.

Approved March 25, A. D. 1909.

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## CHAPTER 137.

### BOUNTY FOR DESTRUCTION OF RATTLESNAKES.

S. F. 28.

AN ACT to provide for the payment of a bounty for the destruction of rattlesnakes. [Additional to section twenty-three hundred forty-eight (2348) of the code, relating to bounties.]

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

**SECTION 1. Amount of bounty.** That whenever in the judgment of the board of supervisors of any county in this state, the public health and welfare of the citizens of its county demands, there shall be paid from the general fund of the county a bounty of fifty cents for each rattlesnake caught and

killed within the county; provided, that the person entitled to such bounty shall make as hereinafter provided, proof of the capture and killing of said snake within thirty days after the same was killed.

SEC. 2. **Proofs required.** That the person catching and killing any rattlesnake shall cut off and present to the county auditor or other officer before whom he makes proof, at least two inches of the tail of the rattlesnake with the rattles still attached thereto, and shall make written affidavit that each and every rattlesnake for which he claims bounty was caught and killed within the county where he is claiming bounty.

SEC. 3. **To whom presented.** That the tail with rattles attached, described in section two (2) hereof, with the proofs required, may be presented to the county auditor or to other officers in the county designated by the board of supervisors, who shall see that the rattles are detached and the piece of tail destroyed. The rattles may be returned to the claimant.

Approved February 26, A. D. 1909.

## CHAPTER 138.

### LAWFUL FENCE.

H. F. 71.

AN ACT to repeal section twenty-three hundred and sixty-seven (2367) of the code defining a lawful fence and to enact a substitute therefor.

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

**SECTION 1. Repeal—lawful fence defined.** Section twenty-three hundred and sixty-seven (2367) of the code of Iowa, is hereby repealed and the following substituted in lieu thereof:

“A lawful fence shall consist of three rails of good substantial material, or three boards not less than six (6) inches wide and three-quarters ( $\frac{3}{4}$ ) of an inch thick, such rails or boards to be fastened in or to good substantial posts, not more than ten (10) feet apart where rails are used, and not more than eight (8) feet apart where boards are used, or wire either wholly or in part, substantially built and kept in good repair; or any other kind of fence, which, in the opinion of the fence viewers, shall be equivalent thereto, the lowest or bottom rail, wire or board not more than twenty (20) nor less than sixteen (16) inches from the ground, the top rail, wire or board, to be between forty-eight (48) and fifty-four (54) inches in height, and the center rail, wire or board not less than twelve (12) nor more than eighteen (18) inches above the bottom rail, wire or board; or it shall consist of three (3) wires, barbed with not less than thirty-six (36) iron barbs of two (2) points each, or twenty-six (26) iron barbs of four (4) points each, on each rod of wire, or of four (4) wires, two (2) thus barbed and two (2) smooth, the wires to be firmly fastened to posts not more than two (2) rods apart, with not less than two (2) stays between posts, or with posts not more than one (1) rod apart, without such stays, the top wire to be not more than fifty-four (54) nor less than forty-eight (48) inches in height. Provided, however, that all partition fences may be made tight by the party desiring it, and, when his portion is so completed, and securely fastened to good substantial posts, set firmly in the ground, not more than twenty (20) feet apart, the adjoining property owner shall construct his portion of the adjoining fence, in a like tight manner, same to be securely fastened to good substantial posts, set firmly in the ground not more than twenty (20) feet apart. All tight partition fences shall consist of

not less than twenty-four (24) inches of substantial woven wire on the bottom, with three (3) strands of barb wire with not less than thirty-six (36) barbs of two points to the rod on top, the top wire to be not less than forty-eight (48) inches, nor more than fifty-four (54) inches high, or not less than eighteen (18) inch. substantial woven wire on the bottom with four (4) strands of barb wire of not less than thirty-six (36) barbs of two (2) points to the rod, the top wire to be not less than forty-eight (48) inches nor more than fifty-four (54) inches high, or good substantial woven wire not less than forty-eight (48) inches nor more than fifty-four (54) inches high. In case adjoining owners or occupants of land shall use the same for pasturing sheep or swine, each shall keep his share of the partition fence in such condition as shall restrain such sheep or swine. Upon the application of either owner, after notice given as prescribed in this chapter, the fence viewers shall determine all controversies arising under this section, including the partition fences made sheep and swine tight."

Approved April 1, A. D. 1909.

## CHAPTER 139.

### SALE OF INTOXICATING LIQUORS BY PERMIT HOLDERS.

S. F. 59.

AN ACT to amend section two thousand three hundred ninety-four (2394) of the code, relating to the sale of intoxicating liquors by permit holders.

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

**SECTION 1. Request blanks—form.** That section two thousand three hundred and ninety-four (2394) of the code be and the same is hereby amended by inserting therein after the first word "request" in the tenth line thereof, the following:

"The blanks for such request shall, with proper stubs, in all cases, be printed in book form and shall be furnished to the permit holder by the county auditor of the county in which such permit is in force, and shall contain, in addition to the matter provided for in said section, the fac simile signature of the county auditor; and both the stub and the request shall be numbered consecutively. Such blank requests with stubs, shall be furnished the permit holder applying therefor upon payment by him to the county auditor of the actual cost of printing the same. The permit holder shall require each applicant for liquor to fill out in his or her handwriting, requests for same in ink, and shall fill out the corresponding stubs in ink. The line between the request and its corresponding stub shall be perforated. The permit holder shall be required to preserve the stubs in book form and shall keep them at all times subject to the inspection of the commissioners of pharmacy, the county attorney, any grand juror, sheriff or justice of the peace in the county in which such permit is in force. The blank form of request and stub shall be as follows:

(Official form E—series B.)

**CERTIFIED REQUEST OF PURCHASERS.**

|                        |  |
|------------------------|--|
| No. ....<br>.....190.. | No. ...., Iowa, .....190<br>To ..... Reg. Phar. No. ....<br>I hereby make request for the purchase of the<br>Purchase ..... following intoxicating liquors:<br>For whom .....<br>Address ..... Amount. Kind.<br>Certifier .....<br>Address ..... |
|------------------------|--|

My true name is..... I am not  
 a minor, and reside in.....township (or  
 town) of.....at No..... in the  
 county of....., state of..... The ac-  
 tual purpose for which this request is made is to  
 obtain the said liquor for.....and the  
 same is desired for.....use, and neither  
 myself nor the said.....habitually use  
 intoxicating liquors as a beverage. If the appli-  
 cant is unknown to the permit holder the blank  
 below shall also be filled out and signed by a witness.  
 Signature of purchaser ..... Reg. Phar. No. ....

I, .....hereby certify that I am ac-  
 quainted with....., the applicant for the  
 purchase of the foregoing described liquors, and that  
 said.....is not a minor and is not in  
 the habit of using intoxicating liquors, as a bever-  
 age, and is worthy of credit as to the truthfulness  
 of the statements in the foregoing request, and my  
 residence is....., No.....  
 street .....

(Signature of certifier) .....

Attested by: Reg. Phar. No. ....

Approved April 16, A. D. 1909.

**CHAPTER 140.**

**DISPOSITION OF MULCT TAX.**

H. F. 37.

AN ACT to repeal section twenty-four hundred and forty-five (2445) of the code and to enact a substitute therefor, relating to the disposition to be made by the board of supervisors of the mulct tax.

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

**SECTION 1. Repeal—tax divided and apportioned.** That the law as it appears in section twenty-four hundred and forty-five (2445) of the code, be and the same is hereby repealed and there is enacted in lieu thereof the following:

“The revenue derived from the tax provided for in this chapter shall be paid into the county treasury, one-half to go into the general county fund, and the remainder to be paid over to the municipality in which the business taxed is conducted. If such business is conducted outside the limits of a city or town then the tax now in hands of county treasurers, or that shall hereafter be collected from such business, shall be apportioned as follows:

One-half to the general county fund and the other one-half to the clerk of the township in which such business is conducted. The clerk of the township shall apportion the amount so received by him equally among the road supervisors of the territory of the township outside of the city or town, to be by said road supervisors expended for the improvement of the roads of the districts. In counties where a tax on the traffic in intoxicating liquors is paid into and belongs to the county treasury, the board of supervisors may transfer the same or any part thereof to the county road fund and expend the same upon the roads of the county; and that portion of such revenue derived from such business conducted inside the limits of a city including cities under special charter or town, the board may expend all or any part thereof upon the permanent improvement of streets within such city or town abutting upon agricultural or horticultural lands not subject to taxation for general municipal purposes."

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 27, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 141.

### DRINKING INTOXICATING LIQUOR OR USING OBSCENE LANGUAGE ON RAILWAY PASSENGER OR STREET CARS.

S. F. 130.

AN ACT to prohibit drinking intoxicating liquors as a beverage or the use of profane and indecent language on any railway passenger car or street car in service and make the same a misdemeanor and giving the conductor of any train carrying passengers the right to refuse to permit any person intoxicated to enter any passenger car or street car in service and to eject from his train certain disorderly persons. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.]

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

**SECTION 1. Misdemeanor.** Any person who shall drink intoxicating liquors as a beverage on any passenger railway car or street car in service or who shall use profane or indecent language on such railway or street car shall be guilty of a misdemeanor.

**SEC. 2. Powers of conductor.** Any conductor of a railway train or street car carrying passengers shall have the right to refuse to permit any person, not in the custody of an officer, to enter any passenger car on his train or street car in his charge who shall be in a state of intoxication; and shall have the further right to eject from his train at any station or from his street car at any regular stop any person found in a state of intoxication or drinking intoxicating liquors as a beverage, or using profane or indecent language on any passenger car of his train or any street car under his charge and for that purpose may call to his aid any employe of the railway or street car company.

Approved April 13, A. D. 1909.



## CHAPTER 142.

## LIMITING NUMBER OF SALOONS IN CITIES AND TOWNS.

S. F. 298.

AN ACT limiting the number of persons to whom city or town councils may, by resolution, grant consent to sell intoxicating liquors, and to prohibit any person who shall be convicted or enjoined for violating the laws of this state relating to the sale or disposition of intoxicating liquors, from engaging in the sale of intoxicating liquors within five years from the date thereof. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.]

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

**SECTION 1. Consent resolution—limitation.** From and after the passage of this act, no city or town council shall, by resolution, grant consent to sell intoxicating liquors as a beverage at retail to a greater number of persons than one to every one thousand, of the population of said city or town as shown by the last preceding state or national census; provided, however, that in towns where the law has been otherwise complied with, the town council of any incorporated town of one thousand population or less, may by resolution grant consent to one person to sell intoxicating liquors as a beverage in such town.

**SEC. 2. Renewal of consent resolutions heretofore adopted.** In all cities and towns where a greater number of persons than are provided in section one (1) hereof, now hold resolutions of consent to sell intoxicating liquors at retail, it shall not be mandatory under the provisions of this act for city or town councils to cancel or withdraw a sufficient number of such resolutions of consent to comply with the provisions of section one (1) hereof, and such resolutions of consent may be renewed by city and town councils to the person or persons holding the same or their assignees or grantees, unless said resolutions of consent shall become inoperative by reason of the person holding the same violating any of the laws of the state, either civil or criminal, relating to the sale or disposition of intoxicating liquors, or by reason of a permanent injunction issuing against such person for a violation of law, or by reason of a civil or criminal action being commenced or instituted against said person for the violation of any of the laws of the state relating to the sale or disposition of intoxicating liquors, and said persons surrendering such resolution of consent before said action is prosecuted to final judgment or a conviction had in the court in which the same was instituted or by reason of the city or town council withdrawing such resolution of consent for cause, in which event, no new or additional resolution shall be granted to any person to sell intoxicating liquors as a beverage at retail except in accordance with the provisions of this act.

**SEC. 3. Sales by violators prohibited—time limitation.** No person who shall be hereafter convicted of violating the laws of this state relating to the sale of intoxicating liquors, or shall be permanently enjoined by any court of this state for such violation, shall be permitted to sell intoxicating liquors in this state within five (5) years from the date of such conviction or injunction, and no resolution of consent or permit shall be granted such person within said period.

**SEC. 4. Consent resolution—when void—not extended.** No resolution of consent granted by any city or town council in violation of the provisions of this act, shall be valid or of any force or effect, or operate as a bar against any of the penalties provided in chapter 6, title XII of the code, the supplement to the code, 1907, and amendments thereto and supplementary thereof, but nothing in this act shall operate to extend any consent now or hereafter granted beyond the time at which such consent shall expire, as by law provided.

**SEC. 5. Acts in conflict repealed.** All acts and parts of acts, in so far as they are in conflict with this act, are hereby repealed.

Approved April 15, A. D. 1909.

## CHAPTER 143.

### SALES OF INTOXICATING LIQUORS AT RETAIL.

S. F. 76.

AN ACT to prohibit any person, except a qualified elector, from engaging in the sale of intoxicating liquors at retail, and to prohibit any person, firm, association or corporation engaged or interested in the manufacture, brewing, distilling or refining of intoxicating liquors, from owning or leasing any building, fixtures, furniture or apparatus to be used for the purpose of selling intoxicating liquors at retail. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.]

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

**SECTION 1. Qualified elector.** No one except a qualified elector of the town, city or township in which the business is conducted and carried on shall engage in the sale of intoxicating liquors at retail.

**SEC. 2. What prohibited.** No person, firm, association or corporation and no officer, member, stockholder, agent or employe of any such firm, association or corporation engaged in the manufacture, brewing, distilling or refining of intoxicating liquors shall be interested or engaged, either directly or indirectly, in the retail sale of intoxicating liquors, or own, operate or lease any building, erection or place to be used for the sale or keeping for sale of intoxicating liquors at retail, or own or lease or be interested in, either directly or indirectly, any fixtures, furniture, or apparatus to be used in the retail sale of intoxicating liquors, or furnish the license bond required by law or pay for such bond or guarantee the bond of such person engaging in the sale of intoxicating liquors contrary to the conditions above prohibited shall be punished as in section 3 provided.

**SEC. 3. Penalty.** Any person, firm, association or corporation, or any agent or officer of such firm, association or corporation, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to all of the penalties, both civil and criminal, provided in chapter 6, title XII of the code, the supplement to the code, 1907, and amendments thereto.

**SEC. 4. Acts in conflict repealed.** All acts and parts of acts, in so far as they are in conflict with this act, are hereby repealed.

**SEC. 5. When effective.** This act shall take effect and be in force on and after the first day of March, 1910.

Approved April 12, A. D. 1909.

## CHAPTER 144.

### BUREAU OF LABOR STATISTICS.

H. F. 239.

AN ACT to amend section twenty-four hundred seventy-seven (2477) of the supplement to the code, 1907, relating to compensation and expenses of the department of the bureau of labor statistics.

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

**SECTION 1. Additional factory inspector—salary—expenses.** That the law as it appears in section twenty-four hundred seventy-seven (2477) of the

supplement to the code, 1907, be and the same is hereby amended by inserting after the word "month" and before the word "one" in the eighth line of said section the following: "And if, in the opinion of the executive council, it is deemed necessary, one additional factory inspector may be employed at a salary of one hundred dollars per month"; that the section be further amended by striking out of line twenty-one the words "fifteen hundred" and inserting in lieu thereof the words "two thousand".

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 31, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 145.

### PROOF OF AGE OF CHILDREN EMPLOYED.

H. F. 191.

AN ACT to amend the law as it appears in section twenty-four hundred seventy-seven-d (2477-d), supplement to the code, 1907, relating to authority of officers to demand proof of age of children employed, and defining what said proof shall be.

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

**SECTION 1. Proof of age.** That section twenty-four hundred seventy-seven-d (2477-d), supplement to the code, 1907, be and the same is hereby amended by adding thereto the following:

"Any officer whose duty it is to enforce the provisions of this act shall have authority to demand of employers, proof of age of any child employed in their establishment; such proof shall be an authenticated birth record, and if there is no such record, then a baptismal record fully attested, that will establish the age of the child, and if there is no such record, a school record that will establish the age of the child, attested by a superintendent, principal, or teacher; where no such proof is obtainable, a parents' affidavit, together with affidavits made by two disinterested persons, who are in no way related to either the child or his employers, establishing date of birth may be accepted, and if no such proof is furnished, such child shall forthwith be dismissed from his employment."

Approved March 25, A. D. 1909.

## CHAPTER 146.

### MINE FOREMEN, PIT BOSSES AND HOISTING ENGINEERS.

H. F. 337.

AN ACT amending the law as it appears in section twenty-four hundred eighty-nine-a (2489-a), supplement to the code, 1907, relating to examination of mine foremen, pit bosses and hoisting engineers.

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

**SECTION 1. Time within which to fill vacancies.** That the law as it appears in section twenty-four hundred eighty-nine-a (2489-a) of the supplement to the code, 1907, be and the same is amended by striking therefrom the words "a reasonable time" as they appear in the eighth line of said section and inserting in lieu thereof the words "thirty days".

Approved March 25, A. D. 1909.

## CHAPTER 147.

## INSPECTION OF PETROLEUM PRODUCTS.

H. F. 377.

AN ACT to amend the law as it appears in section twenty-five hundred five (2505) of the supplement to the code, 1907, relating to the inspection of petroleum products.

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

**SECTION 1. Rebate on oil shipped out of state.** That the law as it appears in section twenty-five hundred five (2505) of the supplement to the code, 1907, be amended by striking out the words "The expense of inspection shall be deducted from any rebate or refund so granted.", in the twenty-eighth (28th) and twenty-ninth (29th) lines and inserting in lieu thereof the following words: "The amount of such rebate per barrel allowed during any fiscal year shall be determined by the secretary of state during the month of July of each year and shall equal approximately the net proceeds per barrel from the inspection service of the state during the preceding fiscal year, the same to be even cents per barrel and in no case more than the net proceeds above mentioned."

Approved April 16, A. D. 1909.

## CHAPTER 148.

## EXEMPTION OF CERTAIN STOCKS OF PAINT FROM REQUIREMENTS OF PURE PAINT LAW.

S. F. 9.

AN ACT exempting stocks of paint in the hands of jobbers and dealers in the state on January 1st, 1908, from the requirements of the law which appears as sections two thousand five hundred and ten-b (2510-b), two thousand five hundred and ten-c (2510-c), two thousand five hundred and ten-d (2510-d) and two thousand five hundred and ten-h (2510-h) of the supplement to the code, 1907.

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

**SECTION 1. What exempt.** That the provisions of sections two thousand five hundred and ten-b (2510-b), two thousand five hundred and ten-c (2510-c), two thousand five hundred and ten-d (2510-d), and two thousand five hundred and ten-h (2510-h) of the supplement to the code, 1907, shall not until November 1, 1910, apply to any articles therein described which were in the state in the hands of jobbers and dealers on January 1st, 1908, provided such articles were not manufactured or contracted for after July 4th, 1907.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved February 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 10, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 149.

## REGULATING THE OPERATION OF VESSELS PROPELLED BY MACHINERY OR THROUGH THE MEDIUM OF SAILS.

S. F. 63.

AN ACT making it the duty of all persons and companies operating any vessel propelled by machinery or through the medium of sails to carry a light during certain hours, and otherwise regulating operation of same and fixing a penalty for violation. [Additional to chapter twelve (12) of title twelve (XII) of the code, relating to the inspection of passenger boats.]

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

**SECTION 1. Head light.** Any person or company operating any boat, launch or other vessel propelled by machinery, or through the means of sails, upon the public waters of the state of Iowa between the hours of thirty minutes after sunset and thirty minutes before sunrise shall cause the same to carry at the bow thereof, properly lighted, operated and conspicuously displayed, a head-light, the lens or mirror of which shall be not less than five inches in diameter.

**SEC. 2. Reverse gear—reversible propeller.** All such vessels operated by machinery having a speed exceeding ten miles per hour shall be equipped with reverse gear, reversible propeller or other adequate means for prompt stoppage and reversal thereof.

**SEC. 3. Speed limit.** All such vessels when passing through a draw or bridge or beneath same shall slow down to a speed of not more than four miles per hour.

**SEC. 4. Penalty.** Any person or company violating any of the provisions of this act shall upon conviction be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days.

Approved February 24, A. D. 1909.

## CHAPTER 150.

## STATE VETERINARY SURGEON.

H. F. 198.

AN ACT to amend sections two thousand five hundred thirty (2530) and two thousand five hundred thirty-six (2536) of the supplement to the code, 1907, relating to state veterinary surgeon.

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

**SECTION 1. Secretary—stenographer—compensation.** That section two thousand five hundred thirty (2530) of the supplement to the code, 1907, be and the same is hereby amended by striking out of line thirteen of said section the words and figures "seven hundred fifty dollars (\$750)" and inserting in lieu thereof the words and figures "twelve hundred dollars (\$1200)" and by inserting after the word "annum" and before the word "which" in line thirteen of said section, the words, "and he may appoint a stenographer who shall receive a salary of nine hundred dollars (\$900) per annum".

**SEC. 2. Appropriation increased.** That section two thousand five hundred thirty-six of the supplement to the code be and the same is hereby amended by striking out of the second and third lines thereof the words "seven thousand five hundred" and inserting in lieu thereof the words "eleven thousand", by striking out the period after the word "forth" at the end of line

four and inserting a semicolon in lieu thereof, and adding the words, "but no part of said sum shall be used for the purpose of reimbursing the owner for any stock destroyed under the provisions of this chapter."

**SEC. 3. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital April 10, A. D. 1909, and in the Register and Leader April 12, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 151.

### ESTABLISHMENT OF LABORATORY FOR MANUFACTURE OF HOG CHOLERA SERUM.

H. F. 153.

AN ACT to establish a laboratory for the manufacture of hog cholera serum at or near Des Moines under the supervision of the state veterinary surgeon and make an appropriation therefor. [Additional to chapter fourteen (14) of title twelve (XII) of the code, relating to state veterinary surgeon.]

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

**SECTION 1. Establishment authorized—assistants—serum, how sold—receipts, how expended—appropriation.** The state veterinary surgeon is hereby authorized to establish a laboratory for the manufacture of hog cholera serum, and to provide the necessary equipment therefor at or near Des Moines, Iowa. The state veterinary surgeon shall be director of said laboratory. He shall employ such assistants as he may deem necessary to carry on said work. The director of the laboratory with the approval of the executive council shall fix the salaries of the employes connected with the manufacture of said serum. Upon application made to the director of the laboratory, he shall furnish said serum for use within the state of Iowa at actual cost of manufacture, and shall also furnish applicants with instructions for the use of same. If said applicant should require the services of the state veterinary surgeon or his assistants, the expenses for their services rendered shall be paid by the applicant to the director of the laboratory or his authorized assistant. The receipts from the sale of serum and from salvage shall be used by the director of the laboratory to promote the work, and he shall file with the executive council a separate official and itemized statement of all such receipts and expenditures in lieu of turning such receipts into the state treasury, as provided in section one hundred seventy-d (170-d) of the supplement to the code, 1907. The director of the laboratory shall issue receipts for all moneys received by him and shall annually file with the executive council a complete statement of all moneys received by him or expended in the equipping and conducting of said business. Upon passage and publication of this act there shall be made immediately available an appropriation out of any moneys in the state treasury not otherwise appropriated, the sum of eight thousand dollars (\$8,000) or so much thereof as may be necessary to carry out the provisions of this act. The amount above mentioned shall be paid upon the order of the director of the laboratory upon approval by the executive council.

Approved April 12, A. D. 1909.

## CHAPTER 152.

## FISH AND GAME WARDEN.

S. F. 235.

AN ACT to amend section two thousand five hundred and thirty-nine (2539) of the supplement to the code, 1907, relating to the compensation and duties of the fish and game warden.

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

**SECTION 1. Traveling, contingent and office expenses.** That section two thousand five hundred and thirty-nine (2539) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "annually" and before the words "to be" in the fourth line of said section the words "together with his necessary traveling, contingent and office expenses".

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 5, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 6, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 153.

## PROTECTION OF FISH AND GAME.

H. F. 534.

AN ACT to amend the law as it appears in sections twenty-five hundred forty (2540), twenty-five hundred forty-a (2540-a), twenty-five hundred fifty-one (2551) and twenty-five hundred fifty-six (2556) of the supplement to the code, 1907; and sections twenty-five hundred fifty-five (2555) and twenty-five hundred fifty-nine (2559) of the code, and to repeal section twenty-five hundred fifty-two (2552) of the supplement to the code, 1907, and sections twenty-five hundred forty-four (2544), twenty-five hundred fifty-four (2554), and twenty-five hundred sixty-two (2562) of the code, relating to the protection of fish and game; regulating the shipment of fish and sale; prohibiting the sale of game, and providing for the appointment of deputy fish and game wardens and fixing their compensation.

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

**SECTION 1. Fishing—what permitted—shipments of fish.** That the law as it appears in section twenty-five hundred and forty (2540) of the supplement to the code, 1907, be and the same is hereby amended as follows:

1. By striking out the word "November" in the second line of said section and substituting therefor the word "October".

2. By striking out the word "March" in the second line and substituting therefor the words "April fifteenth".

3. By inserting after the word "fish" at the close of line six thereof the words "of which total number not more than twenty (20) shall be bass, pike or pickerel. It shall be unlawful for any person, firm or corporation to offer for transportation or to transport to any place within or without this state for purposes of sale, any game fish taken from the inland waters of the state. Any person, firm or corporation desiring the shipment or transportation of any game fish, shall deliver to the common carrier, express or transportation company a statement under oath in duplicate, setting forth

the name of the shipper, the person to whom the package is shipped, the residence of both, the kind and number of fish contained in such package, and that the fish contained in such package are not being shipped for the purpose of sale or market, and one copy thereof shall be retained by the common carrier, express or transportation company receiving such shipment for the period of twelve months thereafter and the other copy thereof shall be attached in a secure manner to such package. Any agent of any common carrier, express or transportation company receiving such shipment is hereby authorized to administer to such shipper the oath contemplated in the last preceding paragraph. Any shipment made in violation of the provisions of this act may be seized, confiscated and sold by any game warden in this state at private or public sale; the proceeds thereof to be turned into the fish and game protection fund, or such shipment may be by such warden destroyed;”.

4. By inserting after the word “spear” in line twenty-two thereof the words “trap, net”.

5. By striking out the word “of” in line twenty-four thereof and inserting in lieu thereof the words “or attempting to take or kill”.

6. By inserting between the words “means” and “within” in line twenty-four the words “other than by rod, line, hook and bait”.

7. By inserting after the word “pike” in line twenty-seven thereof the word “crappie”.

**SEC. 2. Use of explosives or drugs a misdemeanor.** That the law as it appears in section twenty-five hundred forty-a (2540-a) of the supplement to the code, 1907, be amended by adding after the word “shall” in the sixth line thereof the words “be guilty of a misdemeanor and”.

**SEC. 3. Repeal—penalty.** That section twenty-five hundred forty-four (2544) of the code be repealed and the following enacted in lieu thereof:

“Any person, firm or corporation who shall violate any of the provisions of section twenty-five hundred forty (2540) of the supplement to the code, 1907, as herein amended, or twenty-five hundred forty-one (2541), twenty-five hundred forty-two (2542) or twenty-five hundred forty-three (2543) of the code, shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than five nor more than fifty dollars and cost of prosecution for each offense, or be imprisoned in the county jail for not less than one day nor more than thirty days, and the taking of each fish in violation of law shall be construed to be a separate offense.”

**SEC. 4. Game protected.** That section twenty-five hundred fifty-one (2551) of the supplement to the code, 1907, be amended by adding after the word “kill” in the twelfth line the words “or attempt to kill,” and after the word “box” in the fourteenth line thereof, the words “or from, any sail boat, gasoline or electric launch or steam boat, or any other water conveyance, except as propelled by oar or paddle”, and that said section be further amended by adding at the close thereof the following: “any person violating any of the provisions of this section shall be held guilty of a misdemeanor and punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907, and in addition thereto for use of any ambush, sink, box, sneak boat or other water conveyance, prohibited by law, on the waters of this state, a fine of not less than twenty-five dollars, nor more than one hundred dollars, and shall stand committed to the county jail for thirty days unless such fine and costs are paid.”

**SEC. 5. Repeal—killing for traffic—destroying eggs or nests.** That section twenty-five hundred and fifty-two (2552) of the supplement to the code, 1907, be repealed and the following enacted in lieu thereof:

“No person shall at any time or at any place within this state, trap, shoot or kill for traffic any of the birds, animals or game named in this chapter.



nor shall any person shoot, or kill more than twenty-five in any one day, of any kind of said named animals, birds or game, nor shall any one person, firm or corporation have more than twenty-five of either kind of said named birds or game named in this chapter in his or their possession at any time unless lawfully received for transportation, provided, however, the limit of ducks in possession is hereby made fifty. Nor shall any person capture or take, or attempt to catch or take, with any trap, snare or net any of the birds or animals named in the preceding sections; or in any manner willfully destroy the eggs or nest of any of the birds named in this chapter. Any person, firm or corporation violating any of the provisions of this section shall be held to be guilty of a misdemeanor and punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907."

**SEC. 6. Repeal—having in possession.** That section twenty-five fifty-four (2554) of the code be repealed and the following enacted in lieu thereof:

"It shall be unlawful for any person, firm or corporation to buy or sell, dead or alive, any of the birds, game or animals named in this chapter, and it shall be unlawful to have the same in possession during the period when the killing of such birds, game or animals is prohibited, except during the first five days of such prohibited period; and the possession by any person, firm or corporation of any of such birds, game or animals during such prohibited period, except during the first five days thereof, shall be presumptive evidence of the violation of this chapter relating to game and he or they shall be held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907."

**SEC. 7. Shipments of game.** That section twenty-five fifty-five (2555) of the code be amended as follows:

1. By striking out the semi-colon (;) after the word "chapter" in line three thereof and substituting therefor a period (.).

2. By striking out the word "but" in line three and substituting therefor the following: "no person, firm or corporation shall at any time ship to any person, firm or corporation within this state any of the birds or animals named in this chapter, except in strict compliance with the following provisions;".

3. By inserting after the word "but" in line six the words "before such shipment is made,".

4. By striking out all after the word "game" in the eighteenth line and inserting in lieu thereof the following words: "Any person who shall ship more than one dozen of the birds named in this chapter in any one day, or any person shipping any of the birds named in this chapter without first complying with the provisions of this section, or any person, firm or corporation violating any of the provisions of this section at any time, shall be held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907. Provided, however, that it shall be lawful to have in possession game lawfully taken outside this state and lawfully brought into this state, but the burden shall rest upon the person in possession to establish the fact that such game so shipped into the state was lawfully killed and lawfully shipped into this state."

**SEC. 8. Illegal shipments—penalty.** That the law as it appears in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907, be amended by inserting after the word "state" in the third line thereof the words "or ship within this state". and by adding after the word "be" in the fifth line the words "guilty of a misdemeanor and be" and by adding after the word "state" in the tenth line thereof the words "or shipped within this state contrary to law".

**SEC. 9. Repeal—deputy wardens—compensation—powers—bond.** That section twenty-five sixty-two (2562) of the code be repealed and the following enacted in lieu thereof:

“The fish and game warden may appoint such number of deputies as he may deem necessary, who shall receive a compensation of two dollars and fifty cents (\$2.50) per diem and actual expenses, for the time and money actually employed and expended by them in the enforcement of the provisions of this act. Such deputy warden shall act under the advice and direction of the fish and game warden, and perform such duties in relation to their offices as may be required of them and submit under oath, itemized statements of their per diem and expenses as aforesaid; and shall have full power and authority to serve and execute all warrants and process of law issued by any court in enforcing the provisions of this act, or any other law of this state relating to the propagation, preservation and protection of fish, game and birds, in the same manner as any constable or sheriff may serve and execute the same and receive the same fee therefor, and for the purpose of enforcing the provisions of this act they may call to their aid any sheriff, deputy sheriff, constable or police officer or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables and police officers and other persons when called upon to enforce and aid in enforcing the provisions of this act. All deputy wardens shall have power to arrest without warrant any person or persons found in the act of violating any law enacted for the purpose of propagation and protection of fish, game and birds. All deputy wardens shall give bonds conditioned for the faithful performance of their duties, in such amounts as may be fixed by the state executive council.”

**SEC. 10. Prosecutions.** That section twenty-five fifty-nine (2559) of the code be amended by striking out all after the word “count” in line three (3) down to and including the word “treasury” in line eight (8).

**SEC. 11. Acts in conflict repealed.** All acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 12. In effect.** This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 154.

### PROTECTION OF GAME.

H. F. 296.

AN ACT to repeal sections twenty-five hundred and sixty-three-a (2563-a), twenty-five hundred and sixty-three-b (2563-b), twenty five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f) and twenty-five hundred and sixty-three-g (2563-g), twenty-five hundred sixty-three-h (2563-h) of the supplement to the code, 1907, and to enact in lieu thereof the following relating to protection of game:

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

**SECTION 1. Repeal.** That sections twenty-five hundred sixty-three-a (2563-a), twenty-five hundred sixty-three-b (2563-b), twenty-five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred and sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f), twenty-five hundred sixty-three-g (2563-g), and twenty-five hundred sixty-

three-h (2563-h) of the supplement to the code, 1907, are hereby repealed and the following enacted in lieu thereto [thereof]:

**SEC. 2. Hunting without license prohibited.** No person shall hunt, pursue, kill or take any wild animal, bird, or game in this state, with a gun, without first procuring a license as herein provided.

**SEC. 3. Age limit—consent of parent or guardian.** No license shall be granted any person under eighteen years of age unless the written consent of parents or guardian is attached to the application.

**SEC. 4. Application blanks—license.** The state fish and game warden shall furnish county auditors with application blanks for a license and license blanks. These blanks shall provide for the insertion of the name, age, sex, and place of residence of the applicant and of the licensee. The license shall authorize its holder to hunt in accordance with the provisions of this act in any county of the state, but not on enclosed or cultivated lands without permission of the owner, or the tenant or upon any public highway; and shall bear a fac simile signature of the state fish and game warden and the seal and signature of the county auditor in which it is issued.

**SEC. 5. Application subscribed and sworn to—license fees—fish and game protection fund.** An applicant for a license shall fill out an authorized application blank and subscribe and swear to it before the county auditor, or a notary or justice of the peace. Before the license is issued, the applicant, if a resident of the state of Iowa, shall pay the county auditor the sum of one dollar (\$1.00) as a license fee, and if a non-resident of the state of Iowa, shall pay him the sum of ten dollars (\$10.00) as a license fee. These fees the county auditor shall pay at the end of each month to the state treasurer, who shall place them to the credit of a fund known as the fish and game protection fund.

**SEC. 6. Non-resident hunters.** A non-resident holding a valid license may take from the state not to exceed twenty-five (25) game birds or animals, provided they are so carried as to be readily inspected and his license is shown on request.

**SEC. 7. Expenditures—vouchers.** The state fish and game protection fund shall be used for the payment of the expenditures made necessary under the provisions of section 2539 of the code, for the traveling, contingent and office expenses of the warden; for deputy wardens' salaries and expenses; for the protection and propagation of fish and game; for gathering and distributing fish in the public waters of the state; for the care and preservation of the lakes of the state; for the expenditures made necessary under the operation or enforcement of this statute or any other laws enacted affecting the fish and game service; and shall be paid out only on verified vouchers approved by the executive council.

**SEC. 8. License record.** The county auditor shall keep a record of the licenses he issues, which shall show the date of issue, the name and address of the person to whom issued, and the date of revocation, if revoked.

**SEC. 9. License—how signed—expiration—hunting—what permitted—penalties.** The license shall be signed by the licensee in ink, and shall entitle the person to whom issued to hunt, pursue and kill wild animals, birds or game within the state at any time when it shall be lawful to hunt, pursue and kill such wild animals, birds or game, but it shall not entitle the person to whom issued, to hunt, pursue or kill wild animals, birds or game in this state without being prepared at the time of so doing to exhibit it for inspection and permitting it, on demand, to be examined by any person. All licenses shall be void after the first day of July next succeeding issuance. Provided, however, that owners of farm lands, their children and tenants, shall have the right, without procuring a license, to hunt and kill wild animals, birds or game upon the lands owned or occupied by them. Any person found

guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such costs and fines are paid, but such imprisonment shall not exceed thirty days for each offense. Any person who shall alter or change a license in any material manner shall be deemed guilty of forgery, and upon conviction thereof shall be subject to the penalties provided for the commission of forgery. Any person who uses or attempts to use the license of another, or altered license, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense.

SEC. 10. **License revoked—when.** A license in the possession of any person other than to whom first issued, and on complaint, the license of any person hunting on enclosed or cultivated lands, without permission of the owner or tenant, may be revoked by the county auditor.

SEC. 11. **Prima facie evidence.** Possession of a gun in the fields or forests or on the waters of the state, or upon the ice of the same; and a failure to display a license when it is demanded by any person, shall be, except in the case of the owner or tenant, prima facie evidence of a violation of the provisions of this act.

SEC. 12. **Appropriation—when used.** Any appropriation made by the general assembly for the use of the state fish and game warden shall not be drawn upon until the fund arising from license fees shall be exhausted.

SEC. 13. **Acts in conflict repealed.** All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 7, A. D. 1909.

## CHAPTER 155.

### CARE AND PROPAGATION OF FISH.

H. F. 290.

AN ACT amendatory of and additional to chapter fifteen (15), title twelve (XII) of the code and supplement to the code, 1907, relative to the care and propagation of fish.

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

SECTION 1. **Fishing in boundary rivers.** That the law as it appears in section two thousand five hundred and forty-seven (2547) of the supplement to the code [1907] be and the same is hereby amended by inserting before the first word of said section the following: "except as otherwise expressly stated".

SEC. 2. **Use of nets, seines—annual license—bond or cash deposit—license fees—metal tags.** It shall be unlawful for any person to take from the waters of the Mississippi, Big Sioux or Missouri rivers within the jurisdiction of this state, or from that part of the Des Moines river forming a part of the boundary between this state and Missouri, any fish with nets or seines, without first procuring from the state fish and game warden an annual license for the use of such nets and seines. Before any such license shall be issued to a non-resident of the state of Iowa, the applicant shall execute and deliver to the fish and game warden a bond running to the state of Iowa in the penal sum of \$200.00 with two sureties who shall each justify in the sum of \$200.00 in property in this state over and above all debts and liabilities, and property exempt by law from sale on execution. In lieu of such bond such licensee may

make a cash deposit of \$200.00 or provide bond of any surety company authorized to do business in this state. Such bond shall be conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this act and the rules and regulations which are or may be hereafter prescribed by law, such application to be null and void, otherwise to remain in full force and effect. The fee charged for such license shall be as follows: For each 500 lineal feet of seine, or fraction thereof, ten (\$10.00) dollars; for each pound net having more than 100 feet lead on each side, four (\$4.00) dollars; for each pound net having less than 100 feet lead on each side, one (\$1.00) dollar; for each bait net, dip net, hoop net, and fyke net, fifty (.50) cents. All licenses shall expire on the 1st day of March following their issuance. The state fish and game warden shall furnish to each licensee at an expense not to exceed ten (10) cents each, a metal tag, numbered and stamped so as to show year of issuance and for what issued, for each net, and each five hundred (500) feet, or fraction thereof, of seine; and it shall be unlawful to use any seine or net in the waters specified in this section without having a tag thus procured attached thereto; provided, that no seine or net with less than two and one-half (2½) inch mesh, stretch measure, shall be licensed or used for fishing, under this act.

SEC. 3. **Funds—how expended.** The funds received for such license and sale of tags shall be expended by the state fish and game warden for the maintenance of his department and meeting the expenses thereof, and so far as same are available he shall expend same in the preservation of food fishes in the waters described in section two (2) hereof by removing young fish from dead or cut-off waters to the live waters adjacent thereto. He shall render an itemized account of all such funds in each biennial report.

SEC. 4. **What prohibited.** It shall be unlawful for any person to take from the waters described in section two (2) of this act, except by hook and line, any black or white bass, any striped bass, any pike, any crappie, any pickerel less than fifteen inches, or any catfish less than ten inches in length and no pike, bass or crappies between and including March 31st and June 1st of each year.

SEC. 5. **Food fishes not to be injured or destroyed.** It shall be unlawful for any person to take from the waters described in section two (2) of this act, by seine or net, any food fishes and cause or permit same to perish or be destroyed, or to remove such fish within such water so as to cause same to be destroyed or to perish, and any person taking any food fishes from such waters who does not make use of same shall immediately return same to such waters without injury.

SEC. 6. **Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period of not exceeding thirty (30) days or by a fine not exceeding one hundred (\$100.00) dollars.

SEC. 7. **In effect.** This act being deemed of immediate importance shall take effect upon publication of same in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 8. A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 156.

## QUARANTINE.

H. F. 208.

AN ACT to repeal sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred seventy-a one (2570-a1), twenty-five hundred and seventy-b (2570-b), and twenty-five hundred and seventy-one (2571) of the supplement to the code, 1907, relating to the care of persons affected with contagious diseases, the payment of quarantine expenses and the publishing and distribution of regulations of local boards of health.

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

**SECTION 1. Repeal — quarantine — care of infected person — expenses.** That the law as it appears in sections twenty-five hundred and seventy-a (2570-a), twenty-five hundred seventy-a-1 (2570-a-1), and twenty-five hundred and seventy-b (2570-b) and twenty-five hundred and seventy-one (2571) of the supplement to the code, 1907, are hereby repealed and the following enacted in lieu thereof:

“When any person shall be sick or infected with any contagious or infectious disease, dangerous to the public health, whether a resident or otherwise, the local board of health through the mayor or township clerk, shall make such provisions as are best calculated to protect the inhabitants therefrom, and may remove such person to a separate house, a house of detention or hospital, but quarantine shall not be established or maintained or fumigation required except in cases of scarlet fever (including scarlet rash and scarlatina) smallpox, diphtheria (including membranous croup), cholera, leprosy, cerebro-spinal meningitis and bubonic plague. In case any person or persons liable for the support of such person under quarantine or restrained under and by virtue of this act, shall be financially unable to secure the proper care, provisions or medical attendance, it shall be the duty of the mayor or township clerk to procure for such diseased person, proper care, provisions, supplies and medical attendance, while so quarantined or restrained. All bills for supplies furnished and services rendered by order of the mayor or township clerk as herein provided, for persons removed to a separate house, or house of detention, or hospital, or for persons financially unable to provide for their sustenance and care, shall be allowed and paid for, only on a basis of the local market price for such provisions, services and supplies in the locality in which such services and supplies may have been furnished. All services and supplies furnished to individuals or families under the provisions of this section must be authorized by the local board of health or by the mayor or township clerk acting under standing regulations of such local board, and a written order therefor designating the person or persons, employed to furnish such services or supplies, issued before said services or supplies were actually furnished, shall be attached to the bill when the same is presented for audit and payment. No bill for any expenses incurred for any person during quarantine or for disinfecting premises or effects shall be allowed or paid except in cases removed to a separate house, or house of detention unless it shall be found that such person is financially unable to pay said bill. Provided that nothing contained in this section shall be construed to prevent any person removed to a separate house or house of detention or hospital as herein provided, from employing, at his own expense, the physician or nurse of his choice, nor from providing such supplies and commodities as he may require. It is further provided that if the person receiving services or supplies be not a legal resident of the county in which such bills were incurred and paid, the amount so paid shall be certified to the board of supervisors of the county in which said party claims residence or owns property and the board of supervisors of such county shall reimburse the county

from which such claim is certified, in the full amount originally paid by it. All fumigations and disinfections, for the protection of the public health, shall be done in accordance with the regulations of the state board of health and under the directions of the local board, which shall direct the attending physician to superintend or perform the work. In case there be no attending physician or in case the attending physician refuses to perform this duty, then it shall be the duty of the local board of health to provide some other suitable person to perform such work. All bills and expenses incurred in carrying out the provisions of this section and establishing, maintaining and raising quarantine and furnishing necessary detention hospitals shall be filed with the clerk of the local board of health. This board at its next regular meeting or special meeting called for the purpose shall examine and audit the same and if found correct, approve and certify the same to the county board of supervisors for payment. If the board of supervisors determine such bills payable, under the provisions of this act, it shall order the county auditor to draw warrant therefor upon the poor fund of said county. The board of supervisors shall not be bound by the action of the local board of health in approving such bill but may increase or diminish the same as may be just and reasonable. The forcible removal of infected persons as herein provided shall be effected by an application made to any civil magistrate in the manner provided in section twenty-five hundred and sixty-nine (2569) of the code, for the removal and abatement of nuisances, who shall issue the warrant as directed in such cases, to remove such person or persons to the place designated by the local board of health and to take possession of a condemned or infected house, lodging-room, premises or effects. The officers designated by such magistrate shall be entitled to receive for such services such reasonable compensation as shall be determined by the local board of health. The amount so determined to be certified to and paid in the same manner as other expenses incurred under the provisions of this section.

**SEC. 2. Meetings of local board—rules and regulations.** Local boards of health shall meet for the transaction of business on the first Monday of April and November in each year and at such other times as it may be deemed necessary. Local boards of health shall furnish to the state board of health reports of their proceedings at such times and in such form as may be reasonably required by the state board of health. They shall give notice of all regulations adopted by publication thereof in some newspaper of general circulation in the town, city or township, or by posting a copy thereof in five public places therein. The secretary of the state board of health immediately after the adoption of any rules and regulations of said board, in accordance with section one of this act, shall forward a certified copy of such rules to the county auditor of each county. Whenever such rules may be amended or changed, similar notice shall be forwarded to each county auditor. The state board of health shall cause to be printed such number of copies of the rules and regulations by it adopted as may be necessary to supply the needs of the several counties of the state and upon application forward the required number to the county auditors of the state for distribution to the several boards of health within the county. The clerk of each local board of health shall upon request furnish a copy of said rules to any resident, physician or citizen. It shall be the duty of the official when establishing quarantine, to furnish to the person or persons quarantined a copy of the rules and regulations covering such quarantine."

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and

Leader and Des Moines Capital, newspapers published in Des Moines, Polk county, Iowa.

Approved April 5, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 6, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 157.

### NURSES.

H. F. 405.

AN ACT to amend section twenty-five hundred and seventy-five-a thirty-one (2575-a31) of the supplement to the code, 1907, and to repeal section twenty-five hundred and seventy-five-a twenty-nine (2575-a29) of the supplement to the code, 1907, relative to the qualifications of nurses and enacting a substitute therefor.

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

**SECTION 1. Unlawful practice.** That section twenty-five hundred and seventy-five-a-thirty-one (2575-a-31) of the supplement to the code [1907] be and is hereby amended by striking out the words "graduate or" in line six of said section.

**SEC. 2. Repeal—examining committee—qualifications of applicants.** That section twenty-five hundred and seventy-five-a-twenty-nine (2575-a-29) of the supplement to the code [1907] be repealed and the following enacted in lieu thereof:

"At the annual meeting of the state board of health it shall select two physicians from its own membership, and two registered nurses, residents of this state actively engaged in the practice of nursing, who, together with the secretary of the state board of health, shall constitute the examining committee for the year. The examinations provided for in this act shall be held in the city of Des Moines, in July of each year and at such other times and places as the board of health shall direct. All applicants for certificates to practice nursing shall have attained the age of twenty-one (21) years and shall be of good moral character. They shall be graduates of training schools recognized as being in good standing by the state board of health of Iowa, and shall have received at least two (2) years' instruction in general hospital practice. After July 1, 1910, no training school shall be accredited by the state board of health as a school of recognized standing which is not attached to a general hospital, and which does not have a course of study of at least three (3) years; provided, that all nurses who have had five (5) or more years' training in a general hospital which prior to July 1, 1907, did not issue diplomas to its graduates, shall upon furnishing the board with satisfactory evidence that they were in actual attendance as students at said hospital for a period of not less than three (3) years, shall upon the payment of a fee of ten dollars (\$10.00) be entitled to registration and certificate without examination, provided such nurses were bona fide residents of the state of Iowa and actually engaged therein in the practice of nursing upon the 12th day of March, 1907, and that application for registration shall be filed not later than the 1st day of January, 1910."

Approved April 16, A. D. 1909.



## CHAPTER 158.

## REVOCATION OF CERTIFICATES BY STATE BOARD OF MEDICAL EXAMINERS.

S. F. 124.

AN ACT to amend section twenty-five hundred and seventy-eight-a (2578-a) of the supplement to the code, 1907, relating to the revocation of certificates by the board of medical examiners.

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

SECTION 1. **Revocation of certificates.** That section twenty-five hundred and seventy-eight-a (2578-a) of the supplement to the code, 1907, be amended by striking out the word "health" in the last line of said section and inserting in lieu thereof the words "medical examiners".

Approved April 1, A. D. 1909.

## CHAPTER 159.

## TEMPORARY PERMITS TO PRACTICE MEDICINE.

H. F. 359.

AN ACT to amend section twenty-five hundred eighty-two (2582) of the supplement to the code, 1907, relative to the practice of medicine and providing for the issuance of temporary permits.

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

SECTION 1. **Temporary permits—to whom issued.** That section twenty-five hundred eighty-two (2582) of the supplement to the code [1907] be amended by adding thereto after clause "b" of said section the following:

"(c) Applicants for registration under the provisions of clauses 'a' and 'b' of this section shall make proper application upon forms furnished by the board and file same together with the registration fee, with the secretary of said board. If the credentials of the applicant are complete and regular, the secretary shall issue a temporary permit authorizing the said applicant to practice in Iowa during the period intervening between the date of filing his application and the date upon which the board authorizes or refuses the issuance of a permanent certificate, but not more than one such permit shall be issued to the same applicant. The temporary permits herein provided for shall apply only to applicants for a certificate under reciprocal agreements with other states."

Approved April 15, A. D. 1909.

## CHAPTER 160.

## SALE OF DENATURED ALCOHOL AND POISON FLY PAPER.

H. F. 185.

AN ACT to amend section two thousand five hundred eighty-eight (2588) of the code, and section two thousand five hundred ninety-three (2593) of the supplement to the code, 1907, relating to the sale of denatured alcohol and poison fly paper.

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

SECTION 1. **Sale by others than registered pharmacists.** That section two thousand five hundred eighty-eight (2588) of the code be and the same is hereby amended by inserting after the word "selling" in the twelfth (12) line of said section the following: "denatured alcohol, and poison fly paper".

**SEC. 2. Denatured alcohol excluded.** That section two thousand five hundred ninety-three (2593) of the supplement to the code, 1907, be and the same is hereby amended by striking out of the ninth (9) line of said section the words "denatured alcohol" and the comma immediately following the same, and by striking out of the twenty-seventh (27) line of said section the words "denatured alcohol and".

Approved April 6, A. D. 1909.

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## CHAPTER 161.

### REQUIREMENTS OF APPLICANTS FOR REGISTRATION AS PHARMACISTS.

S. F. 185.

AN ACT to amend section two thousand five hundred and eighty-nine-b (2589-b) of the supplement to the code, 1907, relative to the requirements of applicants for registration as pharmacists.

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

**SECTION 1. Graduates—requirements.** That section two thousand five hundred and eighty-nine-b (2589-b) of the supplement to the code, 1907, be and the same is hereby amended by striking from the eleventh line thereof the following words and punctuation marks, to-wit: "For the year 1905,".

Approved April 8, A. D. 1909.

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## CHAPTER 162.

### SALE OF POISONS.

S. F. 426.

AN ACT to amend the law as it appears in section twenty-five hundred ninety-three (2593) of the supplement to the code, 1907, relating to the sale of poisons.

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

**SECTION 1. Denatured alcohol excluded.** That the law as it appears in section twenty-five hundred ninety-three (2593) of the supplement to the code, 1907, be amended by striking from line nine thereof the words "denatured alcohol".

**SEC. 2. Deemed not a poison.** Denatured alcohol shall not be deemed to be a poison within the meaning of the statutes relating to the sale or handling of poisons.

**SEC. 3. Acts in conflict repealed.** That all statutes or parts thereof in conflict herewith are hereby repealed.

**SEC. 4. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital, April 20, A. D. 1909, and in the Register and Leader April 21, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 163.

## SALE OF COCAINE AND CERTAIN OTHER DRUGS.

S. F. 340.

AN ACT amending the law as it appears in section twenty-five hundred ninety-six-a (2596-a) of the supplement to the code, 1907, relating to the sale of cocaine and certain other drugs.

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

**SECTION 1. Register of sales.** That section twenty-five hundred ninety-six-a (2596-a) of the supplement to the code, 1907, is hereby amended by striking therefrom all of that part of said section following the word "except" in the seventh line thereof and inserting in lieu thereof the following: "personally to registered physicians, veterinarians or licensed dentists, for medical, dental or veterinary purposes and every person, firm or corporation selling or keeping for sale such drugs, shall keep a register in which shall be recorded the date of each sale, the amount of such drugs sold and the character and description of any such drugs sold; and each person to whom such drug is sold, shall at the time of purchasing any of said drugs, be required to affix his signature to said memoranda so kept in said register, and said register shall be open to the inspection of any person requesting an examination of the same. However, nothing in this act shall be construed to prevent the sale of said drugs to wholesale or retail dealers in drugs and superintendents of hospitals, nor shall said persons last named be required to sign said register provided for herein."

Approved April 15, A. D. 1909.

## CHAPTER 164.

## ADMISSIONS TO IOWA SOLDIERS' HOME.

S. F. 172.

AN ACT to amend section twenty-six hundred and one (2601) of the code relating to admission of inmates to the Iowa soldiers' home located at Marshalltown.

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

**SECTION 1. Fathers of soldiers, sailors and marines.** That section twenty-six hundred and one (2601) of the code be amended by inserting after the word "wives" and before the word "and" in the fourth line of said section a comma and the word "fathers".

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 13, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 165.

## PERQUISITES OF OFFICERS OF THE IOWA SOLDIERS' HOME.

H. F. 34.

AN ACT to amend the law as it appears in section twenty-six hundred four (2604) of the supplement to the code, 1907, relative to the perquisites of officers of the Iowa soldiers' home.

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

**SECTION 1. Ice included.** That the law as it appears in section twenty-six hundred four (2604) of the supplement to the code, 1907, be amended by inserting after the word "fuel" in the 6th line of said section the word and character as follows, "ice," and that the said section be further amended by inserting after the word "fuel" in the 19th line of said section, the word and character as follows, "ice,".

**Sec. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Daily News, newspapers published in the city of Des Moines, Iowa.

Approved February 10, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily News February 11, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 166.

## ADMISSIONS TO THE SOLDIERS' HOME.

S. F. 369.

AN ACT in regard to admission to the soldiers' home and payment for support by members. [Additional to chapter twenty (20) of title twelve (XII) of the code, relating to soldiers' home.]

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

**SECTION 1. Admission of members who pay own support—conditions.** That it shall be lawful to receive in the soldiers' home persons who have sufficient means for their own support but are otherwise eligible to become members of the home, on payment of the cost of their support which cost shall be fixed from time to time by the board of control of state institutions. And any members of the home not having sufficient means for their own support shall be allowed to contribute to their support on their written application for permission to do so, and all money paid under the provision of this act shall be received by the commandant and remitted each month to the treasurer of state and placed to the credit of the support fund of the home. Provided, however, that no person having sufficient means for his or her own support shall be received or permitted to remain in the home unless there be room for all eligible applicants who do not have such means. Provided further that all persons otherwise entitled to admission to the home, whose income does not exceed twenty (\$20.00) dollars per month, shall be admitted to the Iowa soldiers' home, without any part of their pension being paid to the state for their support, and when such income shall exceed twenty (\$20.00) dollars per month they may be admitted to such home upon the payment to the support fund of the said home, of all of their said income in excess of twenty dollars per month and not in excess, in any instance, of the cost of their support in such

home, provided there is no person legally dependent upon such person who has need of such excess for support and maintenance.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa. Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 9, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 167.

### THE PRACTICE OF OPTOMETRY.

S. F. 91.

AN ACT to define and regulate the practice of optometry and for creation of a board of examiners in optometry. [Additional to title twelve (XII) of the code, relating to the police of the state.]

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

SECTION 1. **Practice of optometry defined.** The practice of optometry is defined to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaptation of lenses for the aid thereof.

SEC. 2. **Board of optometry examiners—term—vacancies.** The board of optometry examiners shall be appointed by the governor and consist of three optometrists who have been engaged in the practice of optometry not less than five years in the state of Iowa, and are recommended by the Iowa state association of optometrists, one physician member of the state board of health, and the secretary of the state board of health. They shall be appointed on or before July 1st, 1909, and each year thereafter and their terms of office shall be one year from July 1st of each year. Vacancies shall be filled by the governor, but the number of optometrists shall neither be increased nor diminished by any appointment to fill vacancy.

SEC. 3. **Organization—meetings—quorum—regulations.** The board shall organize by selecting one of its members as president and the secretary of the state board of health shall serve as the secretary for the board. They shall meet at least once each year the second Tuesday in July and at such other times as they may deem necessary in the office of the state board of health. A majority of the board shall constitute a quorum and its meetings shall at all reasonable times be open to the public. This board shall have power to make all needed regulations for its government and proper discharge of its duties in accordance with this act.

SEC. 4. **Who not eligible to appointment.** No members of the faculty of any optical school or college, or members of any wholesale or jobbing optical house shall be eligible to an appointment upon the state board of examiners in optometry.

SEC. 5. **Examination—license or certificate—record kept.** The board shall, at any regular meeting, and may, at any special meeting, examine applicants for a license to practice optometry. Such examination shall be confined to such knowledge and requirements as are essential to the practice of optometry. Said board shall issue a license or certificate duly authorizing such as are found to be qualified to practice optometry. Such certificate shall be conclusive as to the rights of the lawful holders of same to practice optometry in the state of Iowa. The name, age, nativity, location, number of years of

practice of the person to whom a license is given, the number of the license and the date of registration thereof shall be entered in a book kept in the office of the secretary of the board, which shall be open to the inspection of the public, and the number of the book and page containing such entries shall be noted on the face of the license.

**SEC. 6. Qualifications—examination—existing practitioners.** On and after October 1st, 1909, every person desiring to begin or continue the practice of optometry in this state, must furnish satisfactory evidence that he is twenty-one years of age and of good moral character; that he has a preliminary education equivalent to at least two years study in an accredited high school; that he has studied three years in the office of a registered optometrist or is a graduate from a standard school of optometry, before he shall be eligible to examination by the board. A standard school of optometry shall include a course of instruction of not less than two years duration and the terms of schooling shall be not less than three months each year. And he shall not be entitled to be registered or to receive a license from the board unless he shall show proficiency in the following subjects—physiology, medical physics, practical optometry, anatomy of the eye and ophthalmology. Every person successfully passing such examination shall be registered by the board and receive a license. But any person who is a bona fide resident of Iowa who shall have continuously engaged in the practice of optometry for more than five (5) years in the state prior to the passage of this act, shall (upon submitting proof of same) be entitled to receive from said board a license to practice and a certificate of exemption from examination.

**SEC. 7. Certificate of exemption—revocation of license or certificate—public hearing.** Every person entitled to a certificate of exemption from examination as herein provided must make application therefor and present the evidence to entitle him thereto on or before six months after the passage of this act or he shall be deemed to have waived his right to such certificate. Any license issued by said board of examiners may be revoked by said board for violation of the law, incompetency, immorality or inebriety. Provided that before any certificate or license shall be revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice, and at least five (5) days after the service thereof, be given a public hearing and have ample opportunity to produce testimony in his behalf and confront the witnesses against him. Any person whose certificate has been revoked may, after the expiration of ninety (90) days, apply to have same regranted upon a satisfactory showing that the disqualification has ceased.

**SEC. 8. Fees.** The fee for said examination shall be fifteen (\$15.00) dollars, for which a license shall be issued, to practice optometry in this state. Fee payable in advance to secretary of the board. Should the applicant fail in his first examination he shall have the right to appear at the next meeting of the board for another examination free of charge. For a certificate of exemption a fee of ten dollars (\$10.00) shall be paid to the secretary of the board of examiners, for which a license shall be issued to practice optometry in this state; said fees constitute a fund for expenses made necessary by this act. From this fund the board shall cause to be paid all necessary expenses incurred in the administration of this act.

**SEC. 9. License filed with clerk of district court—fee.** Every person to whom a license is issued under this act shall file the same for record with the clerk of the district court in the county or counties in which he desires to practice optometry and the clerk of the district court shall be entitled to a fee of fifty cents (50c) for recording such license.

**SEC. 10. Compensation—expenses.** Each member of the board of examiners (except the secretary) shall be paid five dollars (\$5.00) for each day actually engaged in the duties of his office with actual expenses incurred by

him in the discharge of such duties, from the fund created by the payment of fees by applicants for examination. Secretary shall receive his necessary expenses incurred for services which cannot be performed at the capitol. All printing, postage and other contingent expenses necessarily incurred under the provisions of this act shall be paid from said fund. All expenses incurred under the provisions of this act shall be itemized thereupon and audited and a warrant drawn therefor on the optometrists fund in the same manner as other expenses of the state board of health.

**SEC. 11. Not applicable to merchants or dealers—unlawful practice.** This act shall not be construed to apply to merchants or dealers who sell glasses as merchandise and who do not profess to be optometrists or practice optometry as herein defined. Any person practicing optometry shall be prohibited from using the prefix doctor to his name, unless he is a duly registered and licensed physician and surgeon and his rights to such being allowed by the state board of medical examiners, nor shall he advertise himself in such a manner as to lead the public to believe him to be different than an optometrist as defined in this section.

**SEC. 12. Penalty.** Any person who shall practice optometry in this state in violation of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail not more than thirty (30) days.

**SEC. 13. Unappropriated funds turned into state treasury.** All unappropriated funds arising under this act shall be accounted for and turned into the state treasury on June thirtieth of each year.

Approved March 27, A. D. 1909.

## CHAPTER 168.

### HOTELS, INNS AND LODGING HOUSES.

H. F. 190.

AN ACT relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operations and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations. [Additional to title twelve (XII) of the code, relating to the police of the state.]

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

**SECTION 1. Hotel defined.** Every building or structure kept, used, advertised as or held out to the public to be an inn, hotel or public lodging house, or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals in which ten (10) or more sleeping rooms are used for the accommodation of such guests, shall for the purpose of this act be defined to be a hotel, and wherever the word "hotel" shall occur in this act, it shall be construed to mean and cover every such building or structure as is described in this section, except as herein provided.

**SEC. 2. Fire escapes—manilla ropes.** Every hotel of three or more stories in height shall be provided and equipped with a fire escape or fire escapes of the style and character and in the manner described in section four thousand nine hundred and ninety-nine-a-eight (4999-a-8) of the supplement to the code, 1907, and in addition thereto, every bed-room or sleeping apartment which has no other approved fire escape above the ground floor except in

hotels which are of approved fire proof construction shall be provided with a manilla rope at least five-eighths ( $\frac{5}{8}$ ) of an inch in diameter and of sufficient length to reach the ground, with knots or loops not more than fifteen inches apart, and of sufficient strength to sustain a weight and strain of at least five hundred pounds. Such ropes shall be securely fastened to the building as near the window as practicable and shall be kept coiled in plain sight at all times nor shall such rope be covered by curtain or other obstruction. Provided, however, that any other contrivance or appliance for reaching the ground from said bed room or sleeping apartment may be used in lieu of said rope, if approved by the state hotel inspector. The provisions herein as to providing ropes shall apply to all hotels of more than one story.

**SEC. 3. Notices posted.** In every such hotel there shall be posted and maintained notices, printed in black ink on white paper or cardboard with type not less than one inch in height, at the entrance to each hall, stairway, elevator shaft, and in each bed-room or sleeping apartment, above the ground floor, directions how to reach the fire escapes and there shall also be posted and maintained in each bed-room or sleeping apartment, above the ground floor, except in hotels which are of approved fire proof construction notices printed in large bold faced type, calling attention to the rope therein, and giving directions how to use it.

**SEC. 4. Chemical fire extinguisher.** Every such hotel shall be provided with, at least, one efficient chemical fire extinguisher on each floor, to each twenty-five hundred (2,500) feet of floor space, which extinguisher or extinguishers shall be placed and maintained in the hallway outside of the sleeping rooms and kept and maintained in condition for immediate use, or in lieu thereof such hotel shall be equipped with a stand pipe placed in the hall of not less than one and one-fourth ( $1\frac{1}{4}$ ) inches in diameter, with hose always attached of sufficient length to reach any and every part of the interior of the building, which stand pipe shall be kept and maintained with a sufficient pressure of water.

**SEC. 5. Elevator shafts enclosed below first floor.** Every hotel except in hotels which are of approved fire proof construction which is equipped with an elevator or elevators such portion of the shaft or shafts thereof as extend below the level of the first floor shall be enclosed with an iron or steel sheeting or other fire proof material as nearly air-tight as practicable with tight doors to the shaftway, the door to be made as far as practicable of wire glass or in lieu thereof shall be provided with an automatic floor trap at the first floor in each elevator shaft; each or either of such appliances shall be constructed in the most approved manner for the prevention of spread of fire by means of such elevator shaft.

**SEC. 6. Hotel to be kept clean and sanitary.** Every hotel located or situated in a city or town having a system of sewerage, shall be thoroughly drained, constructed and plumbed according to approved sanitary principles; all hotels shall be kept and maintained in a clean and sanitary condition and free from and [any] effluvia, gas or offensive odors arising from any sewer, drain, privy, or any other source whatever within the control of the owner, manager, agent or person in charge thereof. Hotels in cities or towns not provided with a sewerage system shall be provided with an approved cess-pool or with privies or water closets properly screened and separated for the use of males and females, which cess-pools, privies and water closets shall be properly cleaned and disinfected as often as necessary to keep and maintain them in an approved sanitary condition.

**SEC. 7. Trap door or other opening to court or lightwell—rope or ladder.** The owner, proprietor, manager or person in charge of every hotel except in hotels which are of approved fire proof construction now or hereafter constructed with an inside court or light-well and with sleeping rooms or sleep-



ing apartments, the only windows of which open upon or into such court or lightwell unless the same extends to the ground floor, shall cause the roof or covering to such court or lightwell to be supplied with a trap door or other opening, which opening shall be provided with rope or other ladder of sufficient length to reach from such door or opening to the ground floor so as to enable those escaping in case of fire to such court or lightwell to reach the ground floor.

**SEC. 8. Halls—fire escapes.** Every hotel hereafter constructed that is three or more stories high shall be provided with a hall on each floor, above the ground floor, extending from one outside wall to the other, and at each end of such hall shall be equipped with an iron or steel fire escape on the outside of the building, connecting on each floor with one or more convenient and ample openings, such fire escapes to comply with the provisions of section four thousand nine hundred ninety-nine-a-eight (4999-a-8) of the supplement to the code, 1907.

**SEC. 9. Inspector of hotels—deputies — bonds.** The "civil engineer" member of the state board of health shall by virtue of his office be inspector of hotels and shall be required to give bonds to the state in the penal sum of five thousand (\$5,000.00) dollars, conditioned for the faithful performance of his duty, to be approved by and filed with the secretary of state, and shall maintain his office in the state board of health rooms at the capitol. Such inspector may, with the consent of a majority of the members of the state board of health, appoint, and at his pleasure remove one or more deputies who shall assist under his direction in performing the duties imposed by this act; such deputies shall each give bond to the state in the penal sum of two thousand (\$2,000) dollars, conditioned, as that of the inspector, and be approved by and filed with the secretary of state.

**SEC. 10. Annual inspection—certificate.** It shall be the duty of the inspector and his deputies to see that all of the provisions of this act are enforced and complied with, and for such purpose such inspector or deputy shall personally inspect once each year every hotel in the state coming within the provisions of this act. If upon inspection of any hotel, it shall be found that this law has been fully complied with, and the inspection fee has been paid to the inspector he shall issue a certificate to that effect to the person operating the same, and such certificate shall be kept posted in plain view in some conspicuous place in said hotel. Said inspector or his deputy being hereby empowered and authorized to enter any hotel at all reasonable hours to make such inspection, and it is hereby made the duty of every person in the management or control of such hotel to afford free access to every part of the hotel and render all aid and assistance necessary to enable the inspector to make a full, thorough and complete examination thereof.

**SEC. 11. Reports.** The inspector or deputy shall make a full and complete report to the state board of health of every hotel inspected, upon blanks furnished for that purpose, which report shall show the condition of the hotel inspected, as to its sanitary condition, the number and condition of its fire escapes, number of stories high, number of sleeping rooms or sleeping apartments, name of the proprietor, fee charged for inspection, and such other information as the state board of health may determine will be for the betterment of the public health.

**SEC. 12. Inspection fees.** The proprietor or manager of every hotel containing twenty (20) rooms or less for the accommodation of the public, shall pay the person making the inspection a fee of four dollars (\$4.00), and every hotel containing more than twenty rooms for the accommodation of the public, a fee of eight dollars (\$8.00) when inspected under the provisions of this act. But no hotel shall be inspected oftener than once a year unless there is a change of proprietors or unless upon a verified complaint signed by 3 or more patrons setting forth facts showing that such hotel is in an unsanitary condi-

tion or that fire escapes and appliances are not kept and maintained in accordance with the provisions of law. Upon receipt of such complaint, the inspector shall make or cause to be made an inspection or examination of the matters complained of, and, if upon inspection such complaint is found to be justifiable, the legal fee of inspection shall be charged and collected. In case the complaint is found to be without reasonable grounds the ordinary fee for such inspection shall be chargeable against and collected from the person or persons making the complaint. All fees for the inspection shall be forthwith paid over to the state treasurer and his receipt taken and filed with the secretary of the state board of health. Such fees shall be by the treasurer kept as a separate fund to be known as a hotel inspection fund, and only paid out upon warrants or orders issued by the secretary of the state board of health and countersigned by the chairman thereof.

**SEC. 13. Salaries—expenses.** In addition to the compensation now received by the civil engineer as a member of the state board of health, he shall receive as inspector, a salary of fifteen hundred dollars (\$1,500.00) per annum and necessary expenses out of the hotel inspection fund. Each deputy inspector shall receive such compensation out of the hotel inspection fund as shall be fixed by the inspector, not to exceed five dollars (\$5.00) per day and necessary expenses when actually engaged in the work of inspection. All salaries, compensation, printing, stationery, postage, and other contingent expenses necessarily incurred under the provisions of this act shall be paid from said fund. All bills for compensation and necessary expenses shall be itemized, verified, audited, and warrant drawn on the hotel inspection fund in the same manner as other expenses of the state board of health, provided that no salaries, compensation or expenses shall be paid in excess of the inspection fees received; and provided that at the close of each fiscal year all fees remaining in the state treasury in excess of the outstanding warrants and the sum of five hundred dollars (\$500.00) shall be transferred to the general fund.

**SEC. 14. False certificates—penalty.** Any inspector or deputy who shall knowingly certify falsely regarding any hotel inspected by him, or shall issue a certificate to any person owning, managing, or operating a hotel when such person has not complied with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred (\$500.00) dollars or imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

**SEC. 15. Notice to hotel manager or owner.** It shall be the duty of the inspector upon ascertaining by inspection or otherwise, that any hotel is being carried on contrary to any of the provisions of this act, to notify the manager, proprietor or owner in writing in what respect it fails to comply with the law and requiring such person within a reasonable time, to be fixed by the inspector, to do or cause to be done the things necessary to make it comply with the law.

**SEC. 16. Failure or neglect to comply—penalty.** Any owner, manager, agent or person in charge of a hotel who shall obstruct, hinder or interfere with an inspector or his deputy in the proper discharge of his duty, or who shall wilfully fail or neglect to comply with any of the provisions of this act, or who shall fail to pay the proper fee for inspection shall be guilty of a misdemeanor and upon conviction thereof, be fined not exceeding one hundred (\$100.00) dollars or imprisoned in the county jail not exceeding thirty days.

**SEC. 17. Inspector to make complaint—injunction—county attorney to prosecute.** It shall be the duty of the inspector upon ascertaining that any owner, manager, agent or person in charge is violating any of the provisions of this act after the expiration of the time fixed in the notice provide<sup>d</sup> in

section fifteen (15) hereof to make complaint, and may file his petition in any court of competent jurisdiction or before any judge of such court in vacation upon which an injunction may issue with or without bond as may be ordered by the court or judge, restraining the further use of such hotel until the provisions of this act are fully complied with. But no injunction shall issue until after the defendant has had at least five days notice of the application therefor, fixing a time for hearing thereon. It is hereby made the duty of the county attorney in either case to prepare the necessary papers and conduct all prosecutions or litigation connected therewith.

Approved March 27, A. D. 1909.

## CHAPTER 169.

### PREVENTION OF DISEASE AMONG BEES AND INSPECTION THEREOF.

H. F. 408.

AN ACT to prevent disease among bees and to provide for inspection thereof. [Additional to title twelve (XII) of the code, relating to the police of the state.]

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

**SECTION 1. Inspector of bees—term—deputies.** The governor is hereby authorized to appoint a competent man as inspector of bees, who shall hold his office for a term of two years, or until his successor is appointed and qualified; and said inspector shall have the power to appoint deputies.

**SEC. 2. Powers and duties.** It shall be the duty of such inspector, when notified in writing, by at least three beekeepers of any locality, of the existence, or supposed existence, of the disease known as "foul brood" among the apiaries of such locality, to at once thoroughly examine such apiaries as are reported to be diseased, and all other apiaries in the same locality, and thus ascertain whether such disease exists. If the bees in any apiary are in such place or condition as to prevent a thorough examination by the inspector, he may order the same to be put into proper place or condition for such examination. If such order is not complied with, and the inspector has reason to believe such bees to be diseased, he may cause them to be destroyed. If upon examination the inspector is satisfied of such disease, he shall give the owner or person in charge of such apiary full instructions as to the manner of treating the same. Within reasonable time after such examination the inspector shall, without other notice, make further examination of such apiaries, and if the condition of any of them is such as in his judgment renders it necessary, he may burn, or cause to be burned, all the infected colonies of bees in any apiary, together with all the combs and hives, in order to prevent the further spread of the disease.

**SEC. 3. Annual report.** The inspector shall make a yearly report to the governor, stating the number of apiaries visited, the number of those diseased and treated and the number of colonies of bees destroyed. Such report shall also show the expenses incurred by the inspector while in the discharge of his duties under the provisions of this act.

**SEC. 4. Sale or removal of diseased colony of bees—penalty.** Any one who knowingly sells, barbers or gives away, moves, or allows to be moved, a diseased colony or colonies of bees, be they queen or workers, or infected appliances or who exposes any infected honey to the bees without the consent of the inspector, shall be deemed guilty of misdemeanor and be liable on conviction before any justice of the county, to a fine of not less than twenty-five [dollars]

(\$25.00) nor more than one hundred dollars (\$100.00) or to imprisonment in the county jail not exceeding thirty days, or both fine and imprisonment.

**SEC. 5. Sales after destruction or treatment—penalty.** Any person whose bees have been destroyed or treated for "foul brood" who sells or offers for sale any bees, hives or appurtenances, after such destruction or treatment, without being authorized by the inspector to do so, or expose in his apiary or elsewhere any infected honey, or other infected thing, or conceal the fact that said disease exists, shall be deemed guilty of a misdemeanor and on conviction thereof shall be liable to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) or imprisonment in the county jail not exceeding thirty days.

**SEC. 6. Failure to comply—resistance—penalty.** Any owner or possessor of bees who disobeys the directions of the inspector, or offers resistance, or obstructs said inspector in the performance of his duties shall be deemed guilty of a misdemeanor and upon conviction thereof before any justice of the peace of the county, shall be fined not exceeding the sum of fifty dollars (\$50.00) or by imprisonment in the county jail not exceeding thirty days.

**SEC. 7. Compensation and expenses.** Such inspector shall receive as compensation the sum of three dollars (\$3.00) per day for each day actually and necessarily employed in the discharge of the duties as herein provided, together with his expenses actually incurred while so employed, provided, that the amount to be paid on account of such expenses shall in no event exceed the sum of one thousand dollars (\$1,000) for any one year, including salary and expenses of deputies.

Approved April 12, A. D. 1909.

## CHAPTER 170.

### STATE BOARD OF EDUCATION.

S. F. 198.

AN ACT to create a state board of education for the state university, the college of agriculture and mechanic arts, and the normal school, and to prescribe its duties and to provide for the management and control of the state university, the college of agriculture and mechanic arts, and the normal school, to make appropriations therefor, and to repeal sections two thousand six hundred seventeen (2617), two thousand six hundred eighteen (2618), two thousand six hundred nineteen (2619), two thousand six hundred twenty (2620), two thousand six hundred thirty-five (2635), two thousand six hundred thirty-six (2636), two thousand six hundred forty-two (2642), two thousand six hundred forty-seven (2647), two thousand six hundred fifty-one (2651), two thousand six hundred fifty-two (2652), two thousand six hundred fifty-three (2653), two thousand six hundred sixty-eight (2668), two thousand six hundred sixty-nine (2669), two thousand six hundred seventy (2670), two thousand six hundred eighty-one (2681) of the code, and the law as it appears in sections two thousand six hundred forty-six (2646), two thousand six hundred fifty (2650), two thousand seven hundred twenty-seven-a fifty-three (2727-a53), two thousand seven hundred twenty-seven-a fifty-four (2727-a54), two thousand seven hundred twenty-seven-a fifty-five (2727-a55), two thousand seven hundred twenty-seven-a fifty-six (2727-a56), of the supplement to the code, 1907, and to repeal all acts, and parts of acts inconsistent with this act.

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

**SECTION 1. State board of education.** The state university, the college of agriculture and mechanic arts, including the agricultural experiment station, and the normal school at Cedar Falls shall be governed by a state board of education consisting of nine members and not more than five of the members shall be of the same political party. Not more than three alumni of the above institutions and but one alumnus from each institution may be members of this board at one time.

**SEC. 2. Appointment—approval—terms—removal.** The governor shall, prior to the adjournment of the thirty-third general assembly, nominate, and, with the consent of two-thirds of the members of the senate in executive session, appoint nine persons from the state at large, and they shall be selected solely with regard to their qualifications and fitness to discharge the duties of their position. No nominations shall be considered by the senate until the same shall have been referred to a committee of five, not more than three of whom shall belong to the same political party, to be appointed by the president of the senate without the formality of a motion, which committee shall report to the senate in executive session, which report shall be made at any time when called for by the senate. The consideration of nominations, by the senate, shall not be had on the same legislative day that the nominations are so referred. Three of the members of said board of education shall hold office as designated by the governor for two years, three for four years and three for six years. Subsequent appointments shall be made as above provided, and, except to fill vacancies, shall be for a period of six years. The governor may, by and with the consent of a majority of the senate, during a session of the general assembly, remove any member of the board for malfeasance in office, or for any cause that renders him ineligible to appointment, or incapable or unfit to discharge the duties of his office, and his removal, when so made, shall be final. When the general assembly is not in session, the governor may suspend any member so disqualified and shall appoint another to fill the vacancy, thus created, subject, however, to the approval or disapproval of the senate when next in session. All vacancies on said board that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes, and vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session.

**SEC. 3. Meetings.** The board shall meet four times a year. Special meetings may be called by the board, by the president of the board, or they may be called by the secretary of the board, upon the written request of any five members thereof.

**SEC. 4. Powers and duties—organization.** The state board of education shall have power to elect a president from their number; a president and treasurer for each of said educational institutions, and professors, instructors, officers, and employes; to fix the compensation to be paid to such officers and employes; to make rules and regulations for the government of said schools, not inconsistent with the laws of the state; to manage and control the property, both real and personal, belonging to said educational institutions; to execute trusts or other obligations now or hereafter committed to the institutions; to direct the expenditure of all appropriations the general assembly shall, from time to time, make to said institutions, and the expenditure of any other moneys; and to do such other acts as are necessary and proper for the execution of the powers and duties conferred upon them by law. Within ten days after the appointment and qualification of the members of the board, it shall organize and prepare to assume the duties to be vested in said board, but shall not exercise control of said institutions until the first day of July, A. D. one thousand nine hundred nine (1909).

**SEC. 5. Board of regents and boards of trustees abolished.** The board of regents and the boards of trustees now charged with the government of the state university, the college of agriculture and mechanic arts, and the normal school, shall cease to exist on the first day of July, A. D. 1909, and, on the same date, full power to manage said institutions, as herein provided, shall vest in the said state board of education. Nothing herein contained

shall limit the general supervision or examining powers vested in the governor by the laws or constitution of the state.

**SEC. 6. Finance committee — officers — duties — term.** The said board of education shall appoint a finance committee of three from outside of its membership, and shall designate one of such committee as president and one as secretary. The secretary of this committee shall also act as secretary of the board of education and shall keep a record of the proceedings of the board and of the committee and carefully preserve all their books and papers. All acts of the board relating to the management, purchase, disposition, or use of lands or other property of said educational institutions shall be entered of record, and shall show who are present and how each member voted upon each proposition when a roll call is demanded. He shall do and perform such other duties as may be required of him by law or the rules and regulations of said board. Not more than two members of this committee shall be of the same political party, and its members shall hold office for a term of three years unless sooner removed by a vote of two-thirds of the members of the state board of education.

**SEC. 7. Qualification.** Each member of the board and each member of the finance committee shall take oath and qualify, as required by section one hundred seventy-nine (179) of the code. The members of the finance committee, before entering upon their official duties, shall each give an official bond in the sum of twenty-five thousand dollars (\$25,000), conditioned as provided by law, signed by sureties approved by the governor and, when so given, said bonds shall be filed in the office of the secretary of state.

**SEC. 8. Offices and supplies.** The board and the finance committee shall be provided by the executive council with suitably furnished offices, at the seat of government, and shall be also furnished with all necessary books, blanks, stationery, printing, postage, stamps and such other office supplies as are furnished other state officers.

**SEC. 9. Business office—employees—monthly visitation.** A business office shall also be maintained at each of the three educational institutions, and the board may hire such employees as may be necessary to assist the said finance committee in the performance of its duties, and shall present to each general assembly an itemized account of the expenditures of said committee. The members of the finance committee shall, once each month, attend each of the institutions named for the purpose of familiarizing themselves with the work being done, and transacting any business that may properly be brought before them as a committee.

**SEC. 10. Appropriation.** There is hereby appropriated from any funds in the state treasury not otherwise appropriated, sufficient thereof to pay the salaries and expenses of the board and the finance committee, including the salaries and expenses of their assistants.

**SEC. 11. Compensation—expenses.** Each member of the board shall be allowed seven dollars for each day that he is actually and necessarily engaged in the performance of official duties, not exceeding sixty days in any one year, and mileage at the rate of two cents per mile, by the nearest traveled and practicable route, in going from his home, to the different institutions, or to other places, and in returning to his home when on official business. Members of the finance committee shall devote their entire time to the work of said institutions and shall each receive a salary of three thousand five hundred dollars, (\$3,500), a year. The members of the finance committee and other employees shall be entitled to the necessary traveling expenses by the nearest traveled and practicable route, incurred in visiting the different institutions, or other places in the state, and returning therefrom when on official business.

SEC. 12. **Claims itemized—mileage.** All claims of members of the said board of education for attendance upon meetings of the board for time actually and necessarily spent in official duties, shall be itemized, showing the date of such service and the nature thereof and shall be sworn to by such member and certified by the secretary of the board. It shall then be filed with the auditor of state, who shall compute the mileage due such claimant by the nearest traveled and practicable route from his home to the place of meeting and return, and shall enter such mileage on the claim; and, if it be in due form of law, the auditor shall draw his warrant upon the treasurer of state for the amount of said attendance and mileage. No compensation shall be allowed any member of such board except as provided herein.

SEC. 13. **Secretary of executive council to furnish blanks.** The secretary of the executive council shall, upon request, furnish proper blanks prepared in accordance with the preceding section for the purpose of making claims by the members of such board.

SEC. 14. **Itemized statements of expenditures.** Before any expenses of the members of the finance committee, or other person employed to assist such committee in the performance of its duties, under the direction of the board, shall be paid, a minutely itemized statement of every item of expenditure, duly verified and sworn to by the claimant and certified to by the secretary of the board, shall be filed with the auditor of state. The verification shall show that the expense bill is just, accurate, and true, and is claimed for cash expenditures or cash disbursements, truly and actually made and paid to the parties named, as shown by said statement. Unless the statement is so verified, and duly audited, payment thereof shall not be made.

SEC. 15. **List of expenditures included in auditor's report.** The auditor shall include in his report to the governor the amount paid for such services, expenses, and mileage, and to whom paid.

SEC. 16. **Office of financial agent abolished.** The office of the financial agent of the college of agriculture and mechanic arts shall cease to exist on the first day of July, A. D. one thousand nine hundred and nine (1909); and, on said date, the said financial agent shall deliver to the finance committee of the board of education all books, papers, and other property belonging to the state and then in his hands.

SEC. 17. **Finance committee to loan funds—conditions.** The finance committee may loan said funds upon approved real estate security, subject to the following regulations:

1. Each loan shall be for a term not exceeding ten years, at a rate of interest to be fixed by said board, payable annually, and the borrower shall have the privilege of paying one hundred dollars (\$100) or any multiple thereof on any interest pay day.

2. Each loan shall be secured by a mortgage paramount to all other liens upon approved farm lands in this state, the loan not to exceed fifty per cent of the cash value thereof, exclusive of buildings.

3. A register containing a complete abstract of each loan and showing its actual condition shall be kept by the secretary of said board and be at all times open to inspection.

SEC. 18. **Foreclosures of mortgages—lands bid in.** The finance committee of the board shall negotiate loans in accordance with the provisions of the preceding sections and shall take charge of the foreclosure of mortgages and collections from delinquent debtors to said fund. The foreclosure of any mortgage belonging to the state university or to the college of agriculture and mechanic arts shall be made in the name of the state board of education for the use and benefit of the institution to which it belongs; and, in case of a sale upon execution under foreclosure, the premises may be bid off in the

name of the board of education for the benefit of the institution to which it belongs; and, if a deed therefor is executed, the premises shall be held for the benefit of such institution, and such lands shall be subject to lease or sale, the same as its other lands.

**SEC. 19. Biennial report.** The board shall make reports to the governor and legislature of its observations and conclusions respecting each and every one of the institutions named, including the regular biennial report to the legislature covering the biennial period ending June 30th, preceding the regular session of the general assembly. Said biennial report shall be made not later than October 1st. in the year preceding the meeting of the general assembly, and shall also contain the reports which the executive officers of the several institutions are now or may be by the board required to make, including, for the use of the legislature, biennial estimates of appropriations necessary and proper to be made for the support of the said several institutions and for the extraordinary and special expenditures for buildings, betterments and other improvements.

**SEC. 20. Repeal.** Sections two thousand six hundred seventeen (2617), two thousand six hundred eighteen (2618), two thousand six hundred nineteen (2619), two thousand six hundred twenty (2620), two thousand six hundred thirty-five (2635), two thousand six hundred thirty-six (2636), two thousand six hundred forty-two (2642), two thousand six hundred forty-seven (2647), two thousand six hundred fifty-one (2651), two thousand six hundred fifty-two (2652), two thousand six hundred fifty-three (2653), two thousand six hundred sixty-eight (2668), two thousand six hundred sixty-nine (2669), two thousand six hundred seventy (2670), two thousand six hundred eighty-one (2681) of the code, and the law as it appears in sections two thousand six hundred and forty-six (2646), two thousand six hundred fifty (2650), two thousand seven hundred twenty-seven-a-fifty-three (2727-a-53), two thousand seven hundred twenty-seven-a-fifty-four (2727-a-54), two thousand seven hundred twenty-seven-a-fifty-five (2727-a-55), two thousand seven hundred twenty-seven-a-fifty-six (2727-a-56) of the supplement to the code, 1907, and all acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 21. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 31, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 171.

### CHANGING NAME OF STATE NORMAL SCHOOL TO STATE TEACHERS COLLEGE.

S. F. 99.

AN ACT to amend section twenty-six hundred seventy-five (2675) of the code relating to the normal school at Cedar Falls.

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

**SECTION 1. State teachers college.** That section twenty-six hundred seventy-five (2675) of the code is hereby amended by striking out the comma after the word "schools" in line three (3) thereof and by inserting in lieu thereof the following: "shall be officially designated and known as the Iowa state teachers college and".

Approved April 6. A. D. 1909.



## CHAPTER 172.

## STATE AGENTS.

S. F. 219.

AN ACT to amend the law as it appears in section twenty-six hundred ninety-two-a (2692-a) and section twenty-six hundred ninety-two-c (2692-c) of the supplement to the code, 1907, relating to state agents and making appropriation therefor.

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

**SECTION 1. Appointment—salary.** That the law as it appears in section twenty-six hundred ninety-two "a" (2692-a) of the supplement to the code, 1907, be amended by striking out the word "two" in line two (2) thereof and inserting the word "three" in lieu thereof. Also insert after the word "board" in line four of said section the words "in no case to exceed seventy-five (\$75.00) dollars per month".

**SEC. 2. Appropriation.** That the law as it appears in section twenty-six hundred ninety-two "c" of the supplement to the code, 1907, be amended by striking out in lines two and three the words and figures "five thousand (\$5,000.00) dollars" and insert in lieu thereof the words and figures "four thousand (\$4,000.00) dollars, annually".

Approved March 25, A. D. 1909.

## CHAPTER 173.

## ADMISSIONS TO INSTITUTION FOR FEEBLE-MINDED CHILDREN.

H. F. 138.

AN ACT to provide for feeble-minded men at Glenwood and the maintenance thereof. (Amendatory of chapter seven (7), title thirteen (XIII) of the code relating to the institution for feeble-minded children.)

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

**SECTION 1. Admission of feeble minded men.** That all feeble minded men under 46 years of age who are residents of the state of Iowa, may be admitted to the institution for feeble minded children at Glenwood.

**SEC. 2. Admission and support.** The provision of chapter seven (7) of title thirteen (XIII) of the code in regard to the admission and maintenance of feeble minded children in said institution shall apply to the admission and maintenance of feeble minded men authorized by this act.

Approved March 29, A. D. 1909.

## CHAPTER 174.

## COMMITMENTS TO INDUSTRIAL SCHOOLS.

H. F. 161.

AN ACT to amend sections twenty-seven hundred eight (2708) and twenty-seven hundred nine (2709) as they appear in supplement to the code, 1907, relating to the age at which boys or girls may be committed to the industrial schools.

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

**SECTION 1. Commitment—age limitation.** That section twenty-seven hundred eight (2708), as it appears in supplement to the code, 1907, be and the same is hereby amended by striking from the second line of said section the word "sixteen" and inserting in lieu thereof the word "eighteen".

**SEC. 2. Complaint by parent or guardian—age limitation.** That section twenty-seven hundred nine (2709) as it appears in supplement to the code, 1907, be and the same is hereby amended by striking from the third line of said section the word "sixteen" and inserting in lieu thereof the word "eighteen"; and by inserting the word "be" immediately after the word "to" and before the word "executed" in the tenth line of said section.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force immediately after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved February 24, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital, February 25, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 175.

### EDUCATION OF DEAF AND BLIND CHILDREN.

S. F. 110.

AN ACT providing for the education of deaf and blind children at the school for the deaf and the college for the blind. [Additional to chapters nine (9) and eleven (11) of the code, relating to the college for the blind and school for the deaf.]

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

**SECTION 1. Compulsory attendance.** Children, residents of the state, between twelve and nineteen years of age, who are so deaf as to be unable to obtain an education in the common schools, and children of such age whose sight is so defective that they cannot attend the public schools must attend the school for the deaf or the college for the blind during the scholastic year, unless exempted as hereinafter provided.

**SEC. 2. Failure to comply—penalty.** Any person having such a child under his control and who fails to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor and shall be fined not exceeding twenty-five dollars, or imprisoned not exceeding eight days.

**SEC. 3. Encouraging absenteeism—penalty.** Any person who induces or attempts to induce any deaf or blind child to absent himself or herself from school, or employs or harbors any such child while his or her school is in session shall be deemed guilty of a misdemeanor and shall be fined or imprisoned as provided in the preceding section.

**SEC. 4. Attendance excused—when.** The superintendent of the school for the deaf, or the superintendent of the college for the blind, with the approval of the board of control of state institutions may excuse attendance when satisfied—

1. That the child is in such bodily or mental condition as to prevent his or her attendance at school.

2. That the child is so diseased or possesses such habits as to render his or her presence a menace to the health or morals of other pupils, or for any reason deemed good and sufficient.

3. That the child is efficiently taught for the scholastic year in a private or other school, or by a private tutor, the branches taught in the public schools.

Approved April 6, A. D. 1909.

## CHAPTER 176.

## IOWA SCHOOL FOR THE DEAF.

H. F. 223.

AN ACT to amend the law, as it appears in section twenty-seven hundred and twenty-seven-a (2727-a) of the supplement to the code, 1907, relating to the support of the Iowa school for the deaf at Council Bluffs.

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

**SECTION 1. Support of certain pupils during vacation months.** That the law as it appears in section twenty-seven hundred and twenty-seven-a (2727-a) of the supplement to the code, 1907, be amended by adding thereto after the word "thereof" in the last line of said section, the following:

"Provided the residence of indigent or homeless pupils may, by order of the board of control of state institutions, be continued during vacation months and for such purposes the provisions of this section shall apply for twelve (12) months."

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 30, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 177.

## SUPPORT OF SCHOOL FOR THE DEAF.

S. F. 15.

AN ACT to repeal section two thousand seven hundred twenty-seven-a (2727-a), supplement to the code, 1907, and to enact a substitute therefor, providing funds for the support of the school for the deaf at Council Bluffs, Iowa.

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

**SECTION 1. Repeal—appropriation—support.** That section two thousand seven hundred twenty-seven-a (2727-a) of the supplement to the code, 1907, be and the same is hereby repealed and in lieu thereof is enacted the following:

"For the support of the school and to meet the ordinary and current expenses thereof, including the compensation of officers, teachers, and other employes, the purchase of supplies, of food, clothing, furniture, and furnishings, books, maps, apparatus, and other incidental expenses, there is hereby appropriated, out of any money in the state treasury not otherwise appropriated, or so much thereof as may be needed, twenty-two dollars per month for nine months of each year, for each resident pupil actually supported in the school. Said sum shall be placed to the credit of the school on the certificate of the board of control of state institutions which shall show the average number of pupils in the school for the preceding month, and shall be paid from the state treasury, as provided by chapter one hundred eighteen (118) of the acts of the twenty-seventh general assembly and acts amendatory thereof. Provided, however, that whenever the average number of pupils in any month shall be less than two hundred seventy-five, the school shall be credited by the auditor of state and the treasurer of state with the sum of six thousand fifty (\$6,050.00) dollars.

SEC. 2. **Minimum monthly allowance—how computed.** The minimum monthly allowance provided for by this act shall be computed from and after the first day of October, A. D. 1908, and credit shall be given as hereinbefore authorized for a sum which shall make the credits given to said school since said date equal to the credits which it would have received if the provisions of this act had been in force during that time."

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 21, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 178.

### COLLECTION OF MONEY DUE AND SALE OF EFFECTS OF DECEASED INMATES OF STATE INSTITUTIONS, AND DISPOSITION OF MONEY SO RECEIVED.

H. F. 273.

AN ACT to amend chapter one hundred twelve (112) of the acts of the thirtieth general assembly and provide for the collection of certificates of deposit, promissory notes, and other demands owned by deceased inmates of state institutions and to provide for the sale of the personal effects of such deceased inmates, and the disposition of the money so received. [Amendatory of section twenty-seven hundred twenty-seven-a seventy-two (2727-a72) of the supplement to the code, 1907.]

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

SECTION 1. **Money due deceased inmates collected—effects sold—disposition of money received.** That section one (1) of chapter one hundred twelve (112) of the acts of the thirtieth general assembly is hereby amended to read as follows:

"SECTION 1. That when an inmate of any institution under the control of the board of control of state institutions dies intestate, leaving money, certificate of deposit, promissory note, or other evidence of indebtedness in writing on deposit with the chief executive or other officer, or shall leave in the possession of such institution or of any officer or employe thereof any personal property, it shall be the duty of the chief executive officer of said institution to take into his possession, if he does not already have it, such money, certificate of deposit, promissory note or other evidence of indebtedness in writing, and to receive any money which may have been due, or property which may have been owned by the decedent, and to dispose of the same as follows:

(a.) To deliver such money or other property to the legal representative of the decedent so soon as he shall have qualified and become authorized to receive it.

(b.) If administration be not granted within one year from the date of the death of the decedent, and the value of the estate of decedent is so small as to make the granting of administration under the general law inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse and heirs, if known, of the decedent.

(c.) If administration be not granted within one year from the date of the death of the decedent and no surviving spouse or heir is known to the institution, although diligent search for them shall have been made, the chief executive officer of the institution shall be authorized to collect the certificate of deposit, promissory note or other evidence of indebtedness, and for that

purpose is authorized to indorse the name of decedent as made by himself in his official capacity, and such indorsement shall have the same effect as though actually made by the decedent in his life time; and said chief executive officer shall be authorized to sell at either public or private sale, as shall be approved in writing by the said board of control, all personal property of the decedent which shall have come into his possession. The money which shall be received by said chief executive officer as aforesaid shall be transmitted to the treasurer of state at the end of one year from the death of the intestate, or as soon thereafter as is practicable, and shall be credited to the support fund of the institution from which it was sent. A complete permanent record of the money so sent, showing by whom and with whom it was left, its amount, the date of the death of the owner, his reputed place of residence before he became an inmate of the institution, the date on which it was sent to the state treasurer and any other facts which may tend to identify the intestate and explain the case shall be kept by the chief executive officer of the institution and a transcript thereof shall be sent to and kept by the treasurer of state."

**Sec. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital April 10, A. D. 1909, and in the Register and Leader April 12, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 179.

### CONTRACT FOR THE EMPLOYMENT OF CERTAIN INMATES OF THE REFORMATORY AT ANAMOSA.

S. F. 331.

AN ACT authorizing the state board of control to enter into a contract for the employment of certain inmates of the reformatory at Anamosa. [Additional to chapter eleven-b (11-b) of title thirteen (XIII) of the supplement to the code, 1907, relating to the board of control of state institutions.]

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

**SECTION 1. Contract for making butter tubs—duration.** The state board of control is hereby authorized to enter into a contract for the employment of not to exceed fifty inmates of the reformatory at Anamosa in the making of butter tubs. Such employment shall end not later than January 1, 1915.

Approved April 3, A. D. 1909.

## CHAPTER 180.

## INVESTIGATION OF COUNTY AND PRIVATE INSANE INSTITUTIONS.

H. F. 414.

AN ACT relating to the investigation of complaints as to the management and treatment of inmates of county and private institutions in which insane persons are kept, and of children cared for by associations and societies contemplated by the law as it appears in section three thousand two hundred sixty-j (3260-j) of the supplement to the code, 1907. [Additional to chapter eleven-b (11-b) of title thirteen (XIII) of the supplement to the code, 1907, relating to the board of control of state institutions.]

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

SECTION 1. **Board of control to investigate.** That the board of control of state institutions may investigate charges of abuse, neglect or other misconduct made against the management or any officer or employe of any county or private institution in which insane persons are kept, and against any association or society coming within the provisions of the law as it appears in section three thousand two hundred sixty-j (3260-j) of the supplement to the code, 1907. In aid of such investigations all of the provisions of the law as it appears in section two thousand seven hundred twenty-seven-a-ten (2727-a 10) of the supplement to the code, 1907, in regard to the power of the board of control and of its members, the rights, duties, liabilities and privileges of witnesses and others shall apply and be in full force.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 10, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 181.

## RENEWAL OF TEACHERS' CERTIFICATES.

H. F. 436.

AN ACT to amend sections twenty-seven hundred thirty-four-g (2734-g) and twenty-seven hundred thirty-four-h (2734-h) of the supplement to the code, 1907, relating to the renewal of teachers' certificates.

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

SECTION 1. **First grade certificate—renewal.** That section twenty-seven hundred thirty-four-g (2734-g) of the supplement to the code of 1907 be and the same is hereby amended by striking out all after the word "weeks" in line two (2) and before the word "and" in line three (3); also by striking out the words "examination or otherwise" in lines six (6) and seven (7) and inserting instead the words, "testimonials from superintendents who had immediate supervision of their professional study".

SEC. 2. **Second grade certificate—renewal.** That section twenty-seven hundred thirty-four-h (2734-h) of the supplement to the code of 1907 be and the same is hereby amended by striking out the word "one" and the words "not to exceed" in line three (3) and by changing the period in line five (5) to a comma and adding after the word "certificates" in line five (5) the follow-

ing: "provided the average and minimum standings on such certificate are not lower than the average and minimum standing required for a first grade certificate."

Approved April 8, A. D. 1909.

## CHAPTER 182.

### SCHOOL DISTRICT CONTINGENT AND TEACHERS' FUNDS.

S. F. 281.

AN ACT to amend the law as it appears in section two thousand eight hundred six (2806) of the supplement to the code, 1907, to increase the amount that may be levied for the contingent fund in a school district.

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

**SECTION 1. School taxes—increase authorized.** That the word "five" is hereby stricken out of the fifth line of the law as it appears in section two thousand eight hundred six (2806) of the supplement to the code, 1907, and the word "seven" inserted therein in lieu of the word so stricken out. That the word "fifteen" in line thirteen of said section be stricken out and the word "twenty" inserted in lieu thereof.

Approved April 15, A. D. 1909.

## CHAPTER 183.

### DURATION OF SCHOOL BONDS.

H. F. 507.

AN ACT to amend the law as it appears in section twenty-eight hundred twelve-e (2812-e) of the supplement to the code, 1907, relating to the duration of school bonds.

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

**SECTION 1. School bonds—duration—rate of interest.** That section twenty eight hundred twelve-e (2812-e) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "years" in the third line thereof, the following, to-wit: "except that in independent districts having, at the time of issuance of any bonds, other bonds outstanding amounting to not less than four hundred thousand dollars, any bonds in excess of such amount may in the discretion of the board be made to run for any period or periods not exceeding twenty years,". And further amend section twenty-eight hundred and twelve-e (2812-e) of the supplement to the code, 1907, by striking out of line six thereof the word and figure "six (6)" and insert in lieu thereof the word and figure "five (5)".

**SEC. 2. In effect.** This act being deemed of immediate importance is to go into force and effect after its publication in the Des Moines Capital and the Register and Leader.

Approved April 15, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 19, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

CHAPTER 184.

INDEBTEDNESS OF INDEPENDENT SCHOOL DISTRICTS.

S. F. 290.

AN ACT to repeal section twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c), and twenty-eight hundred twenty-d (2820-d) of the supplement to the code, 1907, and to enact a substitute therefor relative to the limit of indebtedness of independent school districts.

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

SECTION 1. **Repeal—indebtedness authorized in certain independent school districts.** That sections twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred-c (2820-c), and twenty-eight hundred twenty-d (2820-d) of the supplement to the code, 1907, be and the same are hereby repealed and the following enacted in lieu thereof:

“Any independent school district containing, or contained in, city having a population of sixty-five thousand or more shall be allowed to become indebted, for the purpose of building and furnishing a school house or houses and procuring a site therefor, to an amount not exceeding in the aggregate, including all other indebtedness, two and one-half per centum of the actual value of the taxable property within such independent school district, such value to be ascertained by the last county tax list previous to the incurring of such indebtedness, anything contained in section thirteen hundred six-b (1306-b) of the supplement to the code, 1907, to the contrary notwithstanding.

SEC. 2. **Petition for election.** Provided, that before such indebtedness can be contracted in excess of one and one quarter per centum of the actual value of the taxable property ascertained as provided in this act, a petition signed by a number of qualified electors equal to forty (40) per cent of the number voting at the last general election of such independent district, shall be filed with the president of the board of directors, asking that an election shall be called, stating the purpose for which the money is to be used, and that the necessary school house or houses cannot be built and furnished within the limit of one and one quarter per centum of the valuation. Provided, in all cases contemplated in this section, a petition signed by twenty-five hundred (2,500) or more of the qualified electors of such independent district shall be deemed sufficient, and only those electors, including women, who are also owners of real property in such independent district, shall be qualified to sign such petition.

SEC. 3. **Question submitted.** The president of the board of directors, on receipt of such petition shall, within ten (10) days call a meeting of the board who shall call such election, fixing the time and place thereof, which may be at the time and place of holding the regular school election. Four weeks notice of such election shall be given by publication once each week, in some newspaper published in the said town or city, or if none be published therein, in the next nearest town or city in the county. At such election the ballot shall be prepared and used in substantially the following form:

|                          |     |
|--------------------------|-----|
| <input type="checkbox"/> | Yes |
| <input type="checkbox"/> | No  |

Shall the (naming the independent district) issue bonds in the sum of.....dollars (\$.....) for the purpose of constructing or equipping school houses.

SEC. 4. **Bonds.** If a majority of all the electors voting at such election vote in favor of the issuance of such bonds, the board of directors shall issue the same and make provision for the payment of the same and the interest thereon as provided in sections twenty-eight hundred twelve-d (2812-d), twen-



ty-eight hundred twelve-e (2812-e), twenty-eight hundred twelve-f (2812-f) and twenty-eight hundred thirteen (2813) of the supplement to the code, 1907.

SEC. 5. **Pending litigation—pending transactions.** But this act shall in no wise affect pending litigation nor act or acts of any school board under the statute or statutes herein repealed but the transaction, if any, may be completed with the same force and effect as if the statute were not repealed."

SEC. 6. **In effect.** This act being deemed of immediate importance shall be in full force and effect on and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 6, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital May 21, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 185.

### PROHIBITING SECRET FRATERNITIES AND SOCIETIES IN THE PUBLIC SCHOOLS.

S. F. 387.

AN ACT to prohibit secret fraternities and societies being formed in the public schools of this state, empowering and making it the duty of school directors to adopt rules and regulations relating thereto and to enforce the same, and making it an offense to solicit pupils to join them and prescribing the penalty therefor. [Additional to chapter fourteen (14) of title thirteen (XIII) of the code, relating to the system of common schools.]

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

SECTION 1. **Pupils prohibited from joining or organizing.** That from and after the passage of this act it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary, or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of any secret fraternity or society wholly or partially formed from the membership of pupils attending any such schools or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the directors of such schools.

SEC. 2. **Enforcement—rules and regulations.** The directors of all such schools shall enforce the provisions of section 1 of this act, and shall have full power and authority to make, adopt, and modify all rules and regulations which, in their judgment and discretion, may be necessary for the proper governing of such schools and enforcing all the provisions of section 1 of this act.

SEC. 3. **Suspension or dismissal.** The directors of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend, or dismiss any pupil or pupils of such schools therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such directors, or a majority of them, such pupil or pupils are guilty of violating any of the provisions of section 1 of this act, or who are guilty of violating any rule, rules, or regulations adopted by such directors for the purpose of governing such schools or enforcing section 1 of this act.

SEC. 4. **Rushing or soliciting—penalty—jurisdiction.** It is hereby made a misdemeanor for any person, not a pupil of such schools, to be upon the school grounds, or to enter any school building for the purpose of "rushing"

or soliciting, while there, any pupil or pupils of such schools to join any fraternity, society, or association organized outside of said schools. All municipal courts and justice courts in this state shall have jurisdiction of all offenses committed under this section, and all persons found guilty of such offenses shall be fined not less than two dollars nor more than ten dollars, to be paid to the city or village treasurer, when such schools are situated inside of the corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any such city or village, or upon failure to pay such fine, to be imprisoned for not more than ten days.

Approved April 12, A. D. 1909.

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## CHAPTER 186.

### ATTENDANCE AT THE PUBLIC SCHOOLS.

H. F. 424.

AN ACT to amend section two thousand eight hundred twenty-three-a (2823-a) of the supplement to the code, 1907, relating to the attendance at the public schools.

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

**SECTION 1. Attendance excused—when.** That section two thousand eight hundred twenty-three-a (2823-a) of the supplement to the code, 1907, be and the same is hereby amended by striking out the period in the sixteenth line of said section, and inserting after the word “thereof” in said line the following: “or while attending religious service or receiving religious instruction.”

Approved April 8, A. D. 1909.

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## CHAPTER 187.

### COMPULSORY EDUCATION.

H. F. 406.

AN ACT to amend section twenty-eight hundred twenty-three-a (2823-a), supplement to the code, 1907, relating to the duties of parents or guardians.

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

**SECTION 1. Duties of parents or guardians—attendance in certain cities.** That section twenty-eight hundred twenty-three-a (2823-a) supplement to the code, 1907, be and the same is hereby amended by striking out the word and figures “sixteen (16)” in line eight (8) and inserting the word and figures “twenty-four (24)” in lieu thereof; and by striking out the period (.) at the end of line eleven (11) and inserting in lieu thereof a semi-colon (;) followed by the words: “but the board of school directors in any city of the first or second class may require attendance for the entire time the schools are in session in any school year.”

Approved April 15, A. D. 1909.

## CHAPTER 188.

## TRUANT OFFICERS.

H. F. 455.

AN ACT to amend section two thousand, eight hundred twenty-three-e (2823-e) of the supplement to the code, 1907, relating to the truant officers.

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

**SECTION 1. Truant officers in towns and cities of second class.** That the law as it appears in section two thousand eight hundred twenty-three-e (2823-e) of the supplement to the code, 1907, be amended by adding after the period at the end of said section the following:

"In towns and cities of the second class, the independent school district may employ the marshal or other police officer of such city or town to act as truant officer, and pay him a salary in addition to that received from such city or town of not to exceed five (\$5.00) dollars per month."

Approved April 8, A. D. 1909.

## CHAPTER 189.

## LIST OF BOOKS FOR USE IN SCHOOL DISTRICT LIBRARIES.

H. F. 494.

AN ACT to amend section two thousand eight hundred twenty-three-p (2823-p) of the supplement to the code, 1907, relating to furnishing a list of books suitable for use in school district libraries.

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

**SECTION 1. List—when prepared.** That section two thousand eight hundred twenty-three-p (2823-p) of the supplement to the code, 1907, be amended by striking out the words "annually or biennially" in the second line of said section and inserting in lieu thereof the words "at its discretion".

Approved April 15, A. D. 1909.

## CHAPTER 190.

## LIBRARY COMMISSION.

H. F. 182.

AN ACT to amend sections two thousand eight hundred eighty-eight-e (2888-e) and two thousand eight hundred eighty-eight-h (2888-h), supplement to the code, 1907, relating to the library commission, defining the duties of the members thereof, prescribing the salaries of same and to make an appropriation therefor.

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

**SECTION 1. Secretary and assistants allowed traveling expenses.** That the remainder of section 2888-e beginning with and following the words "in addition to" in the twelfth line of said section be repealed, and the following enacted in lieu thereof:

"In addition to their salaries the necessary traveling expenses shall be allowed the secretary and assistants while absent from the office in the service of the commission, the same to be verified and certified and paid in the same manner as other expenses incurred by the commission."

**SEC. 2. Repeal—expenses—appropriation.** That section 2888-h be and the same is hereby repealed, and the following enacted in lieu thereof:

“No member of the commission shall ever receive any compensation for services as a member, but the traveling expenses of members in attending meetings of the commission, or in visiting or establishing libraries and other incidental and necessary expenses connected with the work of the commission, shall be paid including the necessary expense in the maintenance and extension of the traveling library system, provided that the whole amount of said expense and salaries shall not exceed the sum of eleven thousand dollars (\$11,000) in any one year, not more than six thousand dollars (\$6,000) of said sum to be used in the payment of salaries. All bills and accounts incurred by the commission or by its members under the law, and all expenses of the members of the commission, and its secretary and its assistants shall be itemized, verified and certified by the chairman and secretary of the commission, and be audited and allowed by the executive council before being paid. The state auditor shall issue warrants therefor upon the state treasurer, and there is hereby annually appropriated from any funds in the state treasury, not otherwise appropriated, the sum of eleven thousand dollars (\$11,000) to carry into effect the provisions of this act, and any balance not expended in any one year may be added by the commission to the expenditure for any ensuing year.”

Approved April 9, A. D. 1909.

## CHAPTER 191.

### SALE OF LANDS WITHIN THE BEDS OF MEANDERED LAKES.

S. F. 359.

AN ACT repealing section two thousand, nine hundred-a twenty-five (2900-a25) of the supplement to the code, 1907, and enacting a substitute for the same, relating to the sale of the lands within the beds of meandered lakes.

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

**SECTION 1. Repeal—sale—abutting land owners.** That the law as it appears in section two thousand nine hundred-a twenty-five (2900-a25) of the supplement to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:

“After the report of the appraisers has been received and filed in the office of the secretary of state, the executive council shall offer the land belonging to the state and composing such lake bed, and included in such survey and appraisal, for sale, and the persons owning lands abutting upon such lake bed and contiguous to lands owned by the state therein, shall have the first right to purchase the lands offered for sale by the state, in an amount sufficient to make the lands owned by them which abut upon the lake or lake bed and are contiguous to lands of the state, conform to the smallest government sub-division of public lands, at the price fixed by the appraisers. The option to purchase by abutting land owners shall terminate ninety days after the date of filing the appraisers’ report in the office of the secretary of state. All other lands included in such survey and composing the lake bed belonging to the state, which may be sold under the provisions hereof, shall be sold for the highest price obtainable; but no sale of any of said land shall be made at less than the appraised value thereof, and the land within no lake bed shall be sold, under the provisions of this section, for an amount less than the aggregate expense incurred or authorized by the state for surveying, appraising, draining and other expenses on account of said lake or lake bed.”

**SEC. 2. In effect.** This act shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Capital, daily newspapers published in the city of Des Moines, Iowa.

Approved April 10, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 12, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 192.

### CONVEYANCES OF REAL ESTATE BY EXECUTORS, ADMINISTRATORS AND GUARDIANS.

H. F. 292.

AN ACT to repeal section two thousand nine hundred forty-two-j (2942-j) of the supplement to the code, 1907, relating to certain conveyances of real estate legalized by executors, administrators and guardians in this and foreign states and to enact a substitute therefor.

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

**SECTION 1. Repeal—certain conveyances of real estate legalized.** That section two thousand nine hundred forty-two-j (2942-j) of the supplement to the code, 1907, be repealed and the following enacted in lieu thereof:

“That in all cases where, prior to the year A. D. eighteen hundred eighty-five (1885), an executor, administrator, trustee or guardian, duly appointed and qualified, and acting as such in this, or any other state, has conveyed in such trust capacity, real estate lying in this state, and such conveyance has been of record since prior to the first day of January, A. D. eighteen hundred eighty-five (1885) in the county where the real estate so conveyed is located, and the possession of said real estate since said date has rested in the grantee thereunder, or parties claiming by, through or under him, such conveyance shall not be held void or insufficient by reason of the fact that due and legal notice of all proceedings with reference to the making of any such conveyance was not served upon all interested or necessary parties, or that such executor, administrator, trustee, or guardian is not shown to have been duly authorized by an order of court to make and execute such conveyance, or that a bond was not given therefor; or that no report of the sale was made; or such sale or deed of conveyance was not approved by order of court, or that any such foreign executor, administrator, trustee or guardian was not appointed or qualified in the state of Iowa, prior to the making of such conveyance, and all such conveyances are hereby legalized and declared valid, legal and binding, and of full force and effect.”

Approved April 15, A. D. 1909.

## CHAPTER 193.

### LEGAL HOLIDAYS.

S. F. 18.

AN ACT to amend section three thousand and fifty-three (3053) of the code of 1897 relating to legal holidays.

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

**SECTION 1. Holidays.** That section No. 3053 of the code of 1897, relating to holidays is hereby amended by inserting in the second line of said section

after the comma following the word "January" and before the word "the", the words "the twelfth day of February," so that the section shall read when amended as follows:

"The first day of the week, called Sunday, the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the twenty-fifth day of December, the day of general election, and any day appointed or recommended by the governor of this state or by the president of the United States as a day of fasting or thanksgiving, shall be regarded as holidays for all purposes relating to the presentation for payment or acceptance, and for the protesting and giving notice of the dishonor of bills of exchange, drafts, bank checks, orders and promissory notes, and any blank [bank] or mercantile paper falling due on any of the days above named shall be considered as falling due on the succeeding business day."

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved January 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital January 26, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 194.

### PRIVATE AND CORPORATE SEALS.

S. F. 399.

AN ACT to repeal section three thousand sixty-eight (3068) of the code and to enact a substitute therefor, relating to the use of private seals by individuals, firms or corporations, and the use of corporate seals by certain corporations in the matter of the execution of written contracts and other instruments of writing.

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

**SECTION 1. Repeal—private seals abolished—corporate seals, how used.** Section three thousand sixty-eight (3068) of the code is hereby repealed and the following enacted in lieu thereof:

"The use of private seals in written contracts, or other instruments in writing, by individuals, firms, or corporations that have not adopted a corporate seal, is hereby abolished; and the addition of a seal to any such instrument shall not affect its character or validity in any respect; but in the execution of any written instrument conveying, incumbering or affecting real estate by a corporation that has adopted a corporate seal, the seal of such corporation shall be attached or affixed to such written instrument, or if the corporation has not adopted a corporate seal such fact shall be stated in such written instrument, except that it shall not hereafter be necessary to attach or affix the corporate seal to any release or satisfaction of any mortgage, judgment or other lien, that is made or entered by any corporation on the page or pages of the official record where any such lien appears recorded or entered, but the officer executing such release or satisfaction shall therein certify that same is executed with authority of the board of directors of such corporation, and the county recorder or deputy shall attach thereto a statement showing the relation such officer then bears to the corporation."

Approved April 15, A. D. 1909.

## CHAPTER 195.

## LIEN AND LIABILITY OF HOTEL AND INN KEEPERS.

H. F. 158.

AN ACT to amend section three thousand one hundred thirty-eight (3138) of the supplement to the code, 1907, relating to the lien and liability of hotel and inn keepers.

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

**SECTION 1. Lien upon baggage and other property.** That section three thousand one hundred thirty-eight (3138) of the supplement to the code, 1907, be and the same is hereby amended by striking out of said section all the words and figures commencing with the word "hotel" in the sixteenth line thereof, to and including the word "thereon" in the twenty-fourth line thereof and inserting the following in lieu thereof: "Hotel, inn, rooming house or eating house keepers shall have a lien upon, and may take and retain possession of, all baggage and other property belonging to or under the control of their guests or patrons, which may be in such hotel, inn, rooming house or eating house, for the value of their accommodations and keep, and for all money paid for or advanced to, and for such extras and other things as shall be furnished, such guest or patron, and such property so retained shall not be exempt from attachment or execution to the amount of the reasonable charges of such hotel, inn, rooming house or eating house keeper, against such guest or patron, and the costs of enforcing the lien thereon."

Approved March 12, A. D. 1909.

## CHAPTER 196.

## GRANTING OF MARRIAGE LICENSE BY CLERK OF DISTRICT COURT.

H. F. 357.

AN ACT to amend section thirty-one hundred forty-one (3141) of the code relating to the granting of marriage license by the clerk of the district court.

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

**SECTION 1. What prohibited.** That section thirty-one hundred forty-one (3141) of the code be and the same is hereby amended by striking out the period at the end of said section and inserting in lieu thereof a comma, and adding the following: "nor where the parties are first cousins."

Approved April 1, A. D. 1909.

## CHAPTER 197.

## GUARDIANSHIP OF ESTATES OF ABSENTEES.

H. F. 12.

AN ACT providing for the guardianship of the estates of absentees. (Additional to chapter five (5), title sixteen (XVI) of the code.)

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

**SECTION 1. Petition for guardianship—notice.** When any adult person owning property within the state and whose whereabouts are and have been unknown for a period of three months, and whose property is liable to become injured, lost or damaged by reason of such absence, and when there is no other

provision of law, authorizing supervision and control over such property, any citizen of the county in which the property or any part thereof is situated, may file a petition under oath in the district court of said county, setting forth the facts of such disappearance; the place where and with whom he last resided; the kind and value of his property; the necessity for care and supervision over the same; and asking that a guardian be appointed to take charge of, preserve and control such property. Whereupon, the court or judge shall prescribe a notice to be given to such absentee and order the same to be published in a newspaper published in said county, to be designated by the court or judge once each week for four (4) successive weeks. Such notice shall also be served on the county attorney of the county and upon all the members of the family of the absentee residing within the county, for the length of time as is required for the service of original notices. Proof of the publication and service of such notice shall be filed with said cause.

**SEC. 2. Hearing—county attorney to represent interests of absentee.** If at the time stated in such notice for hearing, the absentee fails to appear, the court shall hear such petition and the proof offered, and all evidence given at such hearing shall be taken down by the official reporter and a verified transcript thereof filed in said cause, and at every such hearing the county attorney shall be present and represent the interests of the absentee, and shall be allowed reasonable compensation therefor to be fixed by the court.

**SEC. 3. Appointment of guardian.** If on such hearing the court is satisfied that the person has disappeared for the length of time herein required and that his whereabouts are unknown to his family or friends and that his property requires supervision and care, it may appoint some suitable person guardian of the estate of such absentee.

**SEC. 4. Qualification.** The person so appointed to act as such guardian shall qualify in the same manner as is required in the case of other guardians, and shall have the same powers and his duties shall be the same as is provided for guardians of the estates of minors, so far as applicable.

**SEC. 5. Guardianship terminated—report.** If at any time the absentee shall return and claim his property, he shall file in said court his application to terminate such guardianship and, thereupon, the guardian shall make full and complete settlement with such absentee, and after paying the costs of the proceedings and the necessary expenses of the guardian in executing the trust, shall turn over to such absentee all money and property then in his hands as such guardian taking receipt therefor, and shall make a final report to the court of his doings as such guardian.

**SEC. 6. Costs and expenses.** The estate of such absentee shall be liable for the costs of the proceedings and the necessary expenses incurred by the guardian and allowed by the court.

**SEC. 7. Guardian under control of court—removal.** Such guardian shall, at all times, be under the control and orders of the court and may at any time be removed for any cause, making it apparent to the court that said guardianship should be terminated or the trust transferred to another person.

**SEC. 8. Guardian discharged—proceedings closed.** When the final report of such guardian shall have been approved by the court he shall be discharged and the proceedings closed or the trust transferred, as the court may determine.

Approved April 9, A. D. 1909.



## CHAPTER 198.

## EXAMINATION OF BONDS OF GUARDIANS, EXECUTORS, ADMINISTRATORS AND TRUSTEES.

H. F. 11.

AN ACT to repeal section thirty-two hundred and sixty-eight (3268) of the code, relative to the time and manner of examination of bonds of guardians, executors, administrators, and trustees, by clerk of the district court, and to enact a substitute therefor.

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

SECTION 1. **Repeal—clerk of court to examine and approve.** That section thirty-two hundred and sixty-eight (3268) of the code be and the same is hereby repealed, and the following enacted in lieu thereof:

“The clerk shall approve the bonds of all guardians, executors, administrators and trustees, and during the month of June in each year shall examine into the sufficiency of the sureties, and amount of penalty of all executors’, administrators’, guardians’ and trustees’ bonds in force in his office which have been executed more than six months prior thereto, and, if he finds the same sufficient, shall note thereon his examination and re-approval, but if he finds the same insufficient, or the sureties shall not re-qualify on being required by him to do so he shall note his disapproval thereon, notifying the principal thereof, by registered letter and place the matter upon the calendar of the court at the next term for the proper order.”

Approved February 8, A. D. 1909.

## CHAPTER 199.

## TIME OF GRANTING ADMINISTRATION.

S. F. 334.

AN ACT to amend the law as it appears in section thirty-three hundred and five (3305) of the code, relative to the time of granting administration.

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

SECTION 1. **Limitation.** That the law as it appears in section thirty-three hundred and five (3305), of the code, be and the same is hereby amended by adding thereto;

“But when personal property belonging to the estate of decedent is discovered after the expiration of said five years, administration may be granted after the five year limit, for the purpose only of making proper disposition and distribution thereof.”

Approved April 6, A. D. 1909.

## CHAPTER 200.

## ADMINISTRATION OF THE ESTATES OF ABSENTEES.

H. F. 9.

AN ACT to repeal section three thousand three hundred and seven (3307) of supplement to the code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor.

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

SECTION 1. **Repeal—estates of absentees.** That section three thousand three hundred and seven (3307) of supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

“When a resident of this state owning property therein, or any person who may have been a resident of this state, has acquired or may hereafter acquire property or property rights within the state, absent himself from his usual place of residence and conceals his whereabouts from his family without known cause for a period of seven years or any such person who has gone to parts unknown for a period of ten years, a petition may be filed in the district court of any county where such property or a part thereof is situated, setting forth such facts, by any person entitled to administer upon such absentee’s estate if he was known to be dead, and setting forth the names of the persons who would be the legal heirs of the absentee if he were dead, so far as known, and praying for the issuance of letters of administration upon such estate, thereupon, said court shall prescribe a notice addressed to such absentee and heirs named, and order the same to be published in a newspaper published in said county to be designated by the court, once each week for eight (8) consecutive weeks, and which shall be served personally upon all the heirs residing within the state in the manner, and for the length of time as is required for the service of original notices, proof of the publication and service of which in manner and for the time ordered, shall, at the expiration of said period be filed with said petition, and thereupon if such absentee fails to appear, the court shall hear the proof presented, and if satisfied of the truth of the facts set forth in the petition concerning the absentee, shall order letters of administration upon the estate of such absentee to issue as though he were known to be dead. The court shall also hear proof and determine who the legal heirs of such absentee are and their respective interests in such estate.

**SEC. 2. Sale of property—disposition of proceeds.** The person to whom the administration is granted shall proceed to administer and dispose of the estate in the same manner that administrators are required to dispose of and administer the estates of decedents. In addition thereto, such administrator may, under the orders of the court, sell and dispose of all real estate and other property owned by such absentee, and after the payment of legal costs, expenses and claims, make distribution of the proceeds thereof to the persons entitled thereto. The provisions of law regarding application, notice and manner of sale of real estate for the payment of debts by administrators shall be followed so far as applicable.”

Approved April 16, A. D. 1909.

## CHAPTER 201.

### VALUATION OF PERSONAL PROPERTY IN SETTLEMENT OF ESTATES.

S. F. 17.

AN ACT to amend section three thousand three hundred and eleven (3311) of the code, relating to the valuation of personal property.

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

**SECTION 1. Valuation waived.** That section three thousand three hundred and eleven (3311) of the code, be and the same is hereby amended by striking out of line three (3) thereof the period following the word inventory in said line and inserting thereafter the following: “unless the court or judge or clerk of the district court in vacation shall by an order entered of record waive the valuation of the property so inventoried.”

Approved April 16, A. D. 1909.

## CHAPTER 202.

## PLACE OF TRIAL OF ACTIONS.

H. F. 111.

AN ACT to amend sections three thousand five hundred five (3505), three thousand five hundred seven (3507), three thousand five hundred eleven (3511), of the code, and section four thousand four hundred eighty-one (4481) of the supplement to the code, 1907, all relating to the place of trial of actions.

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

**SECTION 1. Grounds for change of place of trial.** That section three thousand five hundred five (3505) of the code be, and the same is hereby amended by inserting after the word "obtained" in the twenty-seventh (27th) line of said section the following:

"6. *Fraud in the inception of written contracts.* In an action brought on a written contract in the county where the contract by its express terms is to be performed, in which a defendant to said action, residing in a different county in the state, has filed a sworn answer alleging fraud in the inception of the contract constituting a complete defense thereto, such defendant, upon application and the filing of a sufficient bond, may have such action transferred to the district court of the county of his residence. If upon the trial of the action judgment is rendered against the defendant, it shall include the reasonable expenses incurred by the plaintiff and his attorney, on account of change of place of trial, as part of the costs. The bond above referred to shall be with sureties to be approved by the clerk, in an amount to be fixed by the court or judge in vacation for the payment of all costs which may accrue in the action in the court in which it is brought, or in any other to which it may be carried, either to the plaintiff or to the officers of the court."

**SEC. 2. To what county or court.** That section three thousand five hundred seven (3507) of the code be, and the same is hereby amended by inserting after the word "judge" and before the word "the" in the third (3) line of said section, the following: "or under subdivision six of the first section of this chapter".

**SEC. 3. Costs of change.** That section three thousand five hundred eleven (3511) of the code be, and the same is hereby amended by striking out the word "or" in the second line and inserting a comma in place thereof, and inserting after the word "five" and before the word "of" in the second line of said section the following: "or six".

**SEC. 4. Contracts in writing—change of venue.** That section four thousand four hundred and eighty-one (4481) of the supplement to the code, 1907, be amended by adding thereto, after the last word thereof, the following:

"Provided, however, that where an action is brought relying upon the foregoing provisions to fix the venue in a township in a county other than the residence of the signer of the written contract, and the defendant files a verified answer setting forth a legal defense alleging fraud in the inception of the contract, and he files therein a motion asking to have said cause transferred to the county of his residence, accompanied by a cost bond of \$50.00 to be approved by the court where the action is brought, the justice before whom such action is brought shall thereupon order the same transferred to such county upon the defendant paying fees of transcript and postage, and all papers and transcript shall forthwith be mailed, by registered letter to the clerk of the district court of the county of defendant's residence, and said cause shall be docketed for trial. If two or more defendants in the same cause apply for change of venue as herein provided the justice shall transmit said papers to the county of the defendant making first application. If, upon trial, the defendant shall establish his defense of fraud, then he shall be

entitled to recover, as a part of his costs, the reasonable expense, including attorney's fees, for securing the change of place of trial, but if he shall fail to establish said defense, then he shall be liable to plaintiff, as a part of the costs, for the reasonable additional expense caused to him by reason of such change."

Approved April 15, A. D. 1909.

## CHAPTER 203.

### DEPOSIT OF MONEY IN LIEU OF BOND.

H. F. 200.

AN ACT providing for the deposit of money in lieu of bond where bonds are required as security for costs. [Additional to chapter fifteen (15) of title eighteen (XVIII) of the code, relating to security for costs.]

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

**SECTION 1. Money deposit in lieu of bond.** In all cases in which a bond for security for costs is required, the party required to give such security may deposit in cash the amount fixed in said bond with the clerk of the district court or justice of the peace in lieu of said bond.

Approved April 5, A. D. 1909.

## CHAPTER 204.

### PREFERENCE OF DEBTS OWING FOR LABOR.

H. F. 132.

AN ACT to amend the law as it appears in sections four thousand nineteen (4019), four thousand twenty (4020) and four thousand twenty-one (4021) of the code relating to the preference of debts owing for labor and the filing, allowing and contesting of claims therefor.

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

**SECTION 1. Debts owing for labor preferred.** That section four thousand nineteen (4019) of the code be amended by inserting after the word "assignee" in the third line thereof, and before the word "for" in the fourth line thereof, the words "or their property shall be seized by the action of creditors," and that said section when amended, shall read as follows, viz:

"When the property of any company, corporation, firm or person shall be seized upon by any process of any court, or placed in the hands of a receiver, trustee or assignee, or their property shall be seized by the action of creditors, for the purpose of paying or securing the payment of the debts of such company, corporation, firm or person, the debts owing to employes for labor performed within the ninety days next preceding the seizure or transfer of such property, to an amount not exceeding one hundred dollars to each person, shall be a preferred debt and paid in full, or if there is not sufficient realized from such property to pay the same in full, then after the payment of costs, ratably out of the fund remaining, but such preference shall be junior and inferior to mechanics' liens for labor in opening and developing coal mines."

**SEC. 2. Statement of claim—allowance.** That section four thousand twenty (4020) of the code be amended by inserting after the word "attachment" in the third line thereof, and before the word "and" in the third line thereof,

the words "or under any other authority", and by inserting after the comma following the word "issued" in the sixth line thereof, and before the article "a" in the sixth line thereof, the words "or person charged with such property", and by inserting after the comma following the word "court" in the twelfth line thereof, and before the word "subject" in the thirteenth line thereof, the words "or person charged with the same," and that said section when amended, shall read as follows, viz:

"Any employe desiring to enforce his claim for wages, at any time after the seizure of the property under execution or writ of attachment or under any other authority, and before sale thereof is ordered, shall present to the officer levying on such property or to such receiver, trustee or assignee, or to the court having custody of such property or from which such process issued, or the person charged with such property, a statement under oath, showing the amount due after allowing all just credits and set-offs, and the kind of work for which such wages are due, and when performed; and unless objection be made thereto as provided in the following section, such claim shall be allowed and paid to the person entitled thereto, after first paying all costs occasioned by the proceeding out of the proceeds of the sale of the property so seized or placed in the hands of a receiver, trustee, or assignee, or court, or the person charged with the same, subject, however, to the provisions of the preceding section."

Sec. 3. **Contest.** That section four thousand twenty-one (4021) of the code be amended by striking out the period at the end of said section and inserting a comma in lieu thereof, and by adding the words "provided that where the claim is filed with a person charged with the property other than the officers above enumerated and a contest is made, that the cause shall be transferred to the district court, and there docketed and determined." And that said section when amended shall read as follows, viz:

"Any person interested may contest any claim or part thereof by filing objections thereto, supported by affidavit, with such court, receiver, trustee or assignee, and its validity shall be determined in the same way the validity of other claims are which are sought to be enforced against such property, provided that where the claim is filed with a person charged with the property other than the officers above enumerated and a contest is made, that the cause shall be transferred to the district court, and there docketed and determined."

Approved March 25, A. D. 1909.

## CHAPTER 205.

### SUFFICIENCY OF NOTICE OF APPEAL.

S. F. 306.

AN ACT to amend the law as it appears in section four thousand one hundred fourteen (4114) of the supplement to the code, 1907, relating to the sufficiency of notice of appeal.

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

**SECTION 1. Notice of appeal.** That the law as it appears in section four thousand one hundred fourteen (4114) of the supplement to the code, 1907, be amended by adding after the period at the end of said section the following:

"Notice of appeal shall not be held insufficient because served before the clerk of the trial court has spread the judgment entry upon the court record if it shall appear that such entry has been made in proper form before the appellant's abstract was filed in the office of the clerk of the supreme court."

Approved April 8, A. D. 1909.

## CHAPTER 206.

## PRACTICE IN THE SUPREME COURT.

S. F. 307.

AN ACT to amend section four thousand one hundred thirty-nine (4139) of the code relating to practice in the supreme court.

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

**SECTION 1. Objections to jurisdiction.** That section four thousand one hundred thirty-nine (4139) of the code be amended by adding after the period at the end of said section the following:

“All objections to the jurisdiction of the court to entertain an appeal must be made in printed form stating specifically the ground thereof and served upon the appellant or his attorney of record not less than ten days before the date assigned for the submission of the cause.”

Approved April 8, A. D. 1909.

## CHAPTER 207.

## PARTITION OF REAL ESTATE AND THE LEASING THEREOF.

H. F. 221.

AN ACT to amend section four thousand two hundred fifty-three (4253) of the code, relating to the partition of real estate and providing for the leasing of the same.

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

**SECTION 1. Property leased on order of court.** That section four thousand two hundred fifty-three (4253) of the code, be and the same is hereby amended by adding thereto the following:

“Where there is a delay in making sale and the owners of the property are not able to agree as to the possession or leasing of the same, the court may make such order as to the possession and leasing of said property by the referee as may be found to be for the best interests of the owners of said property.”

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 30, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 208.

## COMPENSATION OF JUSTICES OF THE PEACE AND CONSTABLES.

S. F. 42.

AN ACT to amend the law as it appears in section forty-six hundred-a (4600-a) of the supplement to the code, 1907, relating to the compensation of justices of the peace and constables.

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

**SECTION 1. Accounting for fees—compensation.** That the law as it appears in section forty-six hundred-a (4600-a) of the supplement to the code 1907, be, and the same is hereby amended by striking out the words “twenty-

eight" in the second, fifth, seventh, and thirteenth lines of said section, and by inserting in lieu thereof the word "twenty". That said section be further amended by striking out the words "thirty-five" at the end of line sixteen and the beginning of line seventeen of said section, and by inserting in lieu thereof the words "twenty-eight". That said section be further amended by striking out the words "twenty-eight" in line eighteen and inserting in lieu thereof the word "twenty". That said section be further amended by striking out the words "thirty-five" in line nineteen of said section, and inserting in lieu thereof the words "twenty-eight", and by striking out the words and figures "twenty-eight thousand (28,000)" in line twenty-one of said section, and by inserting in lieu thereof the words "twenty thousand (20,000)".

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved February 5, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 8, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 209.

### ASSAULT WITH INTENT TO INFLICT GREAT BODILY INJURY.

H. F. 274.

AN ACT to amend the law as it appears in section four thousand seven hundred seventy-one (4771) of the code relating to punishment for the crime of assault with intent to inflict great bodily injury.

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

SECTION 1. **Penalty.** That the law as it appears in section four thousand seven hundred and seventy-one (4771) of the code be, and the same is hereby amended by striking out the period at the end of said section and inserting in place thereof a comma, and adding the following: "or by imprisonment in the penitentiary or reformatory not exceeding one year."

Approved March 25, A. D. 1909.

## CHAPTER 210.

### OBSTRUCTIONS ON STREETS, ALLEYS AND HIGHWAYS.

S. F. 350.

AN ACT to prevent placing obstructions on the streets, alleys, and highways and providing a penalty therefor. [Additional to chapter four (4) of title twenty-four (XXIV) of the code, relating to malicious mischief and trespass.]

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

SECTION 1. **Obstructions on streets, alleys and highways.** It shall be unlawful for any person or persons, to place or leave any broken glass, glass bottles, glass ware, or glass of any kind in the highways, or in the streets and alleys of any city or town in such a manner as to interfere with safe travel, or in such manner as to injure horses or vehicles, while being used or driven on said streets, alleys and highways.

**SEC. 2. Penalty.** Any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined not less than one dollar (\$1.00), nor more than ten dollars (\$10.00) for the first offense, and for each offense thereafter, shall be fined a sum of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00).

Approved April 13, A. D. 1909.

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## CHAPTER 211.

### ESCAPE OF PRISONERS FROM CUSTODY.

S. F. 196.

AN ACT to amend section forty-eight hundred ninety-eight (4898) of the code, relating to breaking jail and escape of prisoners from custody.

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

**SECTION 1. Escape from custody.** That section forty-eight hundred ninety-eight (4898) of the code be amended by inserting after the word "therefrom" in the third line of said section, the following: ", or escape from the custody of the officer charged with his keeping".

**SEC. 2. Same.** That said section be further amended by inserting after the word "breaking" in the 5th line of said section, the following: ", or escape from custody".

Approved March 29, A. D. 1909.

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## CHAPTER 212.

### MARRIAGE OF COUSINS.

H. F. 251.

AN ACT to amend the law as it appears in section four thousand nine hundred and thirty-six (4936) of the supplement to the code, 1907, relative to marriage of cousins.

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

**SECTION 1. Incest.** That the law as it appears in section four thousand nine hundred and thirty-six (4936) of the supplement to the code 1907 be and the same is hereby amended by striking out the semicolon after the word "son" in the eighth line thereof, and inserting in lieu thereof a comma and the words "or if any one marry his or her first cousin;"

Approved March 18, A. D. 1909.

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## CHAPTER 213.

### BUCKET SHOP AND BUCKET SHOPPING.

H. F. 177.

AN ACT to repeal sections forty-nine hundred seventy-five-d (4975-d), forty-nine hundred seventy-five-g (4975-g) and forty-nine hundred seventy-five-h (4975-h) of the supplement to the code, 1907, relating to bucket-shops and bucket-shopping, and to enact substitutes therefor.

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

**SECTION 1. Repeal—bucket shop and bucket shopping defined.** That section forty-nine hundred seventy-five-d (4975-d) of the supplement to the



code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"That a bucket shop, within the meaning of this act, is defined to be an office, store or other place wherein the proprietor or keeper thereof, or other person or agent, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or co-partnership with-in or without the state, conducts the business of making, or offering to make, contracts, agreements, trades or transactions respecting the purchase or sale, or purchase and sale, of any stocks, grain, provisions, cotton, or other commodity, or personal property, wherein both parties thereto, or said proprietor or keeper, contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be closed, adjusted or settled according to, or upon the basis of, the public market quotations of prices made on any board of trade or exchange, upon which the commodities or securities referred to in such contracts, agreements, trades or transactions are dealt in by competitive buying and selling, and without a bona fide transaction on such board of trade or exchange; or wherein both parties, or such keeper or proprietor shall contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be, deemed closed or terminated when the public market quotations of prices made on such board of trade, or exchange, for the articles or securities named in such contracts, agreements, trades or transactions, shall reach a certain figure; and also any office, store or other place where the keeper, person or agent, or proprietor thereof, either in his or its own behalf, or as an agent, as aforesaid, therein makes or offers to make, with others, contracts, trades or transactions for the purchase or sale of any such commodity, wherein the parties thereto do not contemplate or intend the actual or bona fide receipt or delivery of such property, but do contemplate or intend a settlement thereof based upon differences in the price at which said property is, or is claimed to be, bought and sold. The said crime shall be complete against any proprietor, person, agent, or keeper thus offering to make any such contracts, trades or transactions, whether such offer is accepted or not. It is the intention of this act to prevent, punish and prohibit, within this state, the business now engaged in and conducted in places commonly known and designated as "bucket shops," and also to include the practice now commonly known as bucket shopping by any person or persons, agent, corporations, associations or co-partnerships, who or which ostensibly carry on the business or occupation of commission merchants or brokers in grain, provisions, cotton, coffee, petroleum, stocks, bonds or other commodities whatsoever."

**SEC. 2. Repeal—statement of purchases or sales furnished on demand.** That section forty-nine hundred seventy-five-g (4975-g) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"It shall be the duty of every commission merchant, co-partnership, association, corporation, person or persons, or agent or broker in this state engaged in the business of buying or selling, or of buying and selling, stocks, bonds, grain, provisions, cotton, or other commodities or personal property for any person, principal, customer or purchaser to furnish to any customer or principal for whom such commission merchant, broker, co-partnership, corporation, association, person, or persons, or agent has executed any order for the actual purchase or sale of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which, the same was either bought or sold; and in case such commission merchant, broker, person or persons, or agent, co-partnership, cor-

poration or association shall fail to furnish the said statement, the fact of such failure shall be prima facie evidence that such property was not sold or bought in a legitimate manner, but was bought in violation hereof."

SEC. 3. **Repeal.** That section forty-nine hundred seventy-five-h (4975-h) of the supplement to the code, 1907, be and the same is hereby repealed.

Approved March 12, A. D. 1909.

## CHAPTER 214.

### HOUSES OF LEWDNESS, ASSIGNATION AND PROSTITUTION.

S. F. 370.

AN ACT to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.]

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

SECTION 1. **Nuisance—what constitutes.** Whoever shall erect, establish, continue, maintain, use, own or lease any building, erection or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building, erection or place, or the ground itself, in or upon which such lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures, musical instruments and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.

SEC. 2. **May be enjoined.** Whenever a nuisance is kept, maintained or exists, as defined in this act, the county attorney or any citizen of the county may maintain an action in equity in the name of the state of Iowa upon the relation of such county attorney or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists. In such action the court, or a judge in vacation, shall, upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if it shall be made to appear to the satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony or otherwise, as the complainant may elect, unless the court or judge, by previous order, shall have directed the form and manner in which it shall be presented. Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at his instance, the writ as prayed shall be granted as a matter of course. When an injunction has been granted, it shall be binding on the defendant throughout the judicial district in which it was issued, and any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided.

SEC. 3. **Action to enjoin.** The action when brought shall be triable at the first term of court after due and timely service of the notice has been given, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney setting forth the reasons why the action should be dismissed, and the dismissal approved by the county attorney in writing or in open court. If the court is of the opinion

that the action ought not to be dismissed, he may direct the county attorney to prosecute said action to judgment, and if the action is continued more than one term of court, any citizen of the county or the county attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs may be taxed to such citizen.

**SEC. 4. Violation of injunction.** In case of the violation of any injunction granted under the provisions of this act, the court, or in vacation, a judge thereof, may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause a warrant to issue, under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

**SEC. 5. Order of abatement—sale of property—contempt.** If the existence of the nuisance be established in an action as provided in this act, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments or movable property used in conducting the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released. If any person shall break and enter or use a building, erection or place so directed to be closed, he shall be punished as for contempt as provided in the preceding section. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

**SEC. 6. Proceeds of sale—how applied.** The proceeds of the sale of the personal property, as provided in the preceding section, shall be applied in payment of the costs of the action and abatement, and the balance, if any, shall be paid to the defendant.

**SEC. 7. Bond—release of property.** If the owner appears and pays all costs of the proceeding, and files a bond with sureties to be approved by the clerk in the full value of the property, to be ascertained by the court, or, in vacation, by the clerk, auditor and treasurer of the county, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court, or, in vacation, the judge, may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to said owner, and said order of abatement cancelled so far as the same may relate to said property; and if the proceeding be an action in equity, and said bond be given and costs therein paid before judgment and order of abatement, the action shall be thereby abated as to said building only. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

**SEC. 8. Permanent injunction—assessment of tax.** Whenever a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept or used for the purposes prohibited by this act, there shall be assessed against said building

and the ground upon which the same is located and against the person or persons maintaining said nuisance, and the owner or agent of said premises, a tax of three hundred dollars. The assessment of said tax shall be made by the assessor of the city, town or township in which the nuisance exists and shall be made within three months from the date of the granting of the permanent injunction. In case the assessor fails or neglects to make said assessment, the same shall be made by the sheriff of the county, and a return of said assessment shall be made to the county treasurer. Said tax shall be a perpetual lien upon all property, both personal and real, used for the purpose of maintaining said nuisance, and the payment of said tax shall not relieve the person or building from any other penalties provided by law. The provisions of the law relating to the collection and distribution of the mullet liquor tax shall govern in the collection and distribution of the tax herein prescribed in so far as the same are applicable, and not in conflict with the provisions of this act.

Approved April 16, A. D. 1909.

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## CHAPTER 215.

### UNMARRIED FEMALES UNDER EIGHTEEN PROHIBITED FROM LIVING OR ROOMING IN HOUSES OF PROSTITUTION.

S. F. 229.

AN ACT to prohibit the living, boarding, stopping, or rooming of unmarried females under the age of eighteen years in any house, building, or premises where prostitution, fornication, or concubinage is allowed or practiced and providing punishment for the violation thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.]

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

**SECTION 1. What prohibited—penalty.** Whoever, being the keeper of a house of prostitution, or assignation house, building, or premises in this state where prostitution, fornication, or concubinage is allowed, or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop or room in such house, building, or premises, shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than five years.

Approved April 6, A. D. 1909.

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## CHAPTER 216.

### DETENTION OR CONFINEMENT OF FEMALES BY FORCE OR INTIMIDATION FOR PURPOSES OF PROSTITUTION.

S. F. 216.

AN ACT prohibiting the detention or confinement of any female in any house, room, building, or premises by force, false pretence, or intimidation, for purposes of prostitution or with intent to cause such female to become a prostitute and providing a punishment for the violation thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.]

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

**SECTION 1. Detention or confinement of females for prostitution purposes—penalty.** Whoever shall unlawfully detain or confine any female, by force, false pretence, or intimidation, in any room, house, building, or premises in

this state, against the will of such female, for purposes of prostitution or with intent to cause such female to become a prostitute, and be guilty of fornication or concubinage therein, or shall by force, false pretence, confinement, or intimidation attempt to prevent any female so as aforesaid detained, from leaving such room, house, building, or premises, and whoever aids, assists, or abets by force, false pretence, confinement, or intimidation, in keeping, confining, or unlawfully detaining any female in any room, house, building, or premises in this state, against the will of such female, for the purpose of prostitution, fornication, or concubinage, shall on conviction, be imprisoned in the penitentiary not less than one nor more than ten years.

Approved March 25, A. D. 1909.

## CHAPTER 217.

### IMMORAL PLAYS, EXHIBITIONS AND ENTERTAINMENTS.

S. F. 353.

AN ACT prohibiting the giving of immoral plays, exhibitions, and entertainments and the use and leasing of real property therefor and providing a penalty for the violation thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.]

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

**SECTION 1. Immoral plays and entertainments prohibited—penalty.** Any person who, as owner, manager, director, or agent, or in any other capacity, prepares, advertises, gives, presents, or participates in any obscene, indecent, immoral, or impure drama, play, exhibition, show, or entertainment, which would tend to the corruption of the morals of youth or others, and every person aiding or abetting such act and every owner or lessee or manager of any garden, building, room, place, or structure, who leases or lets the same or permits the same to be used for the purposes of any such drama, play, exhibition, show, or entertainment, or who assents to the use of the same for any such purpose, if it be so used, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the county jail not exceeding one year or by both such fine and imprisonment.

**Sec. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD.  
Secretary of State.

## CHAPTER 218.

## OFFENSES AGAINST THE PUBLIC HEALTH.

H. F. 291.

AN ACT to amend section four thousand nine hundred and seventy-nine (4979) of the code, relating to offenses against the public health.

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

SECTION 1. **Throwing night soil or garbage in streams.** That section four thousand nine hundred and seventy-nine (4979) of the code, be and the same is hereby amended by inserting after the word "animal", in the second line thereof the words "night-soil or garbage", and by inserting after the word "pond" in the third line the words "or in or upon any land adjoining, which is subject to overflow".

Approved April 6, A. D. 1909.

## CHAPTER 219.

## ASSUMPTION OF RISKS.

S. F. 81.

AN ACT to repeal section forty-nine hundred and ninety-nine-a three (4999-a3), supplement to the code, 1907, relating to the assumption of risks and providing a substitute therefor.

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

SECTION 1. **Repeal—assumption of risks.** That section forty-nine hundred and ninety-nine-a three (4999-a3) supplement of the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"That in all cases where the property, works, machinery, or appliances of an employer are defective or out of repair, and where it is the duty of the employer from the character of the place, work, machinery or appliances to furnish reasonably safe machinery, appliances or place to work, the employe shall not be deemed to have assumed the risk, by continuing in the prosecution of the work, growing out of any defect as aforesaid, of which the employe may have had knowledge when the employer had knowledge of such defect, except when in the usual and ordinary course of his employment it is the duty of such employe to make the repairs, or remedy the defects. Nor shall the employe under such conditions be deemed to have waived the negligence, if any, unless the danger be imminent and to such extent that a reasonably prudent person would not have continued in the prosecution of the work; but this statute shall not be construed so as to include such risks as are incident to the employment. And no contract which restricts liability hereunder shall be legal or binding."

Approved April 16, A. D. 1909.

## CHAPTER 220.

## ENTRANCE AND EXIT DOORS.

S. F. 72.

AN ACT to amend the law as it appears in section forty-nine hundred ninety-nine-a nine (4999-a9) of the supplement to the code, 1907, relating to protection against fire and providing means for escape.

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

**SECTION 1. Entrance and exit doors to open outward.** The law as it appears in section forty-nine hundred ninety-nine a-9 (4999-a-9) of the supplement to the code, 1907, is hereby amended by adding to said section the following:

“The entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, theaters, opera houses, colleges and public school houses, and the entrance doors to all class and assembly rooms in all public school buildings, in all cities and incorporated towns, shall open outward.”

Approved March 12, A. D., 1909.

## CHAPTER 221.

## FOOD STANDARDS.

H. F. 321.

AN ACT to amend the law as it appears in section four thousand nine hundred and ninety-nine-a thirty-one (4999-a31) of the supplement to the code, 1907, relating to food standards.

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

**SECTION 1. Oysters.** That section four thousand nine hundred and ninety-nine-a thirty-one (4999-a-31) of the supplement to the code 1907 be amended by adding thereto the following: “Oysters shall not contain ice, nor more than sixteen and two-thirds (16 2-3) per cent by weight of free liquid.”

Approved April 6, A. D. 1909.

## CHAPTER 222.

## UNFAIR DISCRIMINATION BETWEEN DIFFERENT SECTIONS, COMMUNITIES OR LOCALITIES.

S. F. 105.

AN ACT to amend the law as it appears in section five thousand twenty-eight-b (5028-b) of the supplement to the code, 1907, relating to unfair discrimination between different sections, communities or localities, defining the same and providing penalties for persons found guilty thereof.

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

**SECTION 1. Unfair discrimination—what constitutes.** That the law as it appears in section five thousand twenty-eight-b (5028-b) of the supplement to the code, 1907, be amended by adding after the period at the end of said section the following:

“Any person, firm, company, association or corporation, foreign or domestic, doing business in the state of Iowa and engaged in the business of buying milk, cream or butter fat for the purpose of manufacture, or of buying

poultry, eggs or grain for the purpose of sale or storage, that shall for the purpose of creating a monopoly or destroying the business of a competitor discriminate between different sections, localities, communities, cities or towns of this state by purchasing such commodity or commodities at a higher price or rate in one section, locality, community, city or town than is paid for the same commodity by said person, firm, company, association or corporation in another section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale or storage, shall be deemed guilty of unfair discrimination which is hereby prohibited and declared to be unlawful but prices made to meet competition in such locality shall not be in violation of this act; and any person, firm, company, association or corporation or any officer, agent, receiver or member of any such firm, company, association or corporation found guilty of unfair discrimination as defined herein, shall be punished as provided in section five thousand twenty-eight-c (5028-c) of the supplement to the code, 1907."

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital April 10, A. D. 1909, and in the Register and Leader April 12, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 223.

### CIGARETTES AND CIGARETTE PAPERS.

H. F. 278.

AN ACT to authorize the issuance of a search warrant, and the seizure of cigarettes and cigarette papers, the apprehension of the occupant of the place or building in or upon which the same are sold or kept and providing for the levy of a tax against said place or building. [Additional to chapter eleven (11) of title twenty-four (XXIV) of the code, relating to offenses against public policy.]

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

**SECTION 1. Search warrant—how issued — seizure — destruction — prima facie evidence.** If any reputable citizen of the county make oath before a magistrate, that he has probable cause to suspect, and does suspect, that any house, place or building, naming the house, building or place, as nearly as may be, and the occupant, is unlawfully used as a place in which to receive, keep, store, sell or give away cigarettes, cigarette papers or cigarette wrappers, or any paper made or prepared for the purpose of making cigarettes, or for the purpose of being filled with tobacco for smoking; or that the occupant is in any way concerned, engaged or employed in owning or keeping any such cigarettes or cigarette papers or wrappers, with intent to violate the law, or authorize or permit the same to be done, such magistrate shall issue his warrant particularly describing the place to be searched and the person or persons to be apprehended or things to be seized directed to any peace officer in the county, for the purpose of searching such house, building or place and for the seizure of such cigarettes, cigarette papers or cigarette wrappers, or any paper made for the purpose of making cigarettes, and for the apprehension of the occupant or keeper thereof; and the said cigarettes or cigarette papers and the keeper shall be brought before such magistrate to be



dealt with as provided by law. All such cigarettes or cigarette papers, so seized, and unlawfully kept, shall be destroyed and an entry thereof shall be made upon his docket. The discovery of cigarettes or cigarette papers in any public place shall be prima facie evidence of the keeper's intent to unlawfully sell or give the same as prohibited in section five thousand and six (5006) of the code.

**SEC. 2. Tax assessed against property—notice.** The magistrate who shall try said cause and then issue an order condemning and destroying any cigarettes or cigarette papers as provided in the preceding section, shall certify a copy of the record of such proceedings to the treasurer of the county within ten days after the order to destroy such cigarettes or cigarette papers is issued and a tax assessment of three hundred (\$300.00) dollars against the property in or upon which the cigarettes or cigarette papers or cigarette wrappers were unlawfully kept or sold, provided for in section five thousand and seven (5007) of the code, and collect the same as therein provided. Within thirty days after the receipt of the magistrate's certificate the county treasurer shall notify the keeper of such house, building or place, and the owner thereof of such assessment.

Approved March 29, A. D. 1909.

## CHAPTER 224.

### USE OF CIGARETTES BY MINORS.

S. F. 92.

AN ACT to prohibit the use of cigarettes by minors under twenty-one years of age, and providing penalties therefor. [Additional to chapter eleven (11) of title twenty-four (XXIV) of the code, relating to offenses against public policy.]

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

**SECTION 1. Use of cigarettes by minors prohibited.** It shall be unlawful for any person under the age of twenty-one years to smoke or use a cigarette or cigarettes on the premises of another, or on any public road, street, alley or park or other lands used for public purposes or in any public place of business or amusement, except when in company of his parent or guardian.

**SEC. 2. Penalty—sentence suspended, when.** Any person found guilty of violating the provisions of section 1 hereof shall be punished by a fine of not to exceed ten dollars (\$10.00), or imprisonment in the county jail not to exceed three days, for each offense; provided, if said minor person shall give information which may lead to the arrest of the person or persons violating any of the provisions of section five thousand six (5006) of the code, and shall give evidence as a witness in the proceedings which may be instituted against said party or parties, the court shall have power to suspend sentence against said minor person.

Approved April 13, A. D. 1909.

## CHAPTER 225.

## PROHIBITING COMBINATIONS, POOLS AND TRUSTS.

H. F. 383.

AN ACT to prohibit any person, company, partnership, association or corporation, engaged in any business, or owning or operating any business, from combining or entering into any agreement, contract, trust or pool to fix the prices at which any commodity or any article of commerce is to be sold, or to prevent the free action of competition in the buying of any commodity or any article of commerce, or the selling of any commodity or any article of commerce, and to provide punishment for the violation of this act. [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code, relating to cheating by false pretenses, gross frauds and conspiracy.]

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

**SECTION 1. Agreements, contracts or combinations to fix prices prohibited.** That it shall be unlawful for any person, company, partnership, association or corporation owning or operating any business of buying, selling, handling, consigning or transporting any commodity or any article of commerce, to enter into any agreement, contract or combination with any other dealer, or dealers, partnership, company, corporation or association of dealers, whether within or without the state, engaged in like business, for the fixing of the price or prices at which any commodity or any article of commerce should be sold by different dealers or sellers; or to divide between said dealers the aggregate or net proceeds of the earnings of such dealers and sellers, or any portion thereof; or to form, enter into, maintain, or contribute money or anything of value to any trust, pool, combination or association of persons of whatsoever character or name, which has for any of its objects the prevention of full and free competition among buyers, sellers, or dealers in any commodity or any article of commerce; or to do or permit to be done by his or their authority any act or thing whereby the free action of competition in the buying or selling of any commodity or any article of commerce is restrained or prevented.

**SEC. 2. Liability.** That in case any person, company, partnership, corporation or association, trust, pool or combination of whatsoever name shall do, cause to be done, or permit to be done, any act, matter or thing in this act prohibited or declared to be unlawful, such person, partnership, company, association, corporation, trust, pool or combination shall be liable to the person, partnership, company, association or corporation injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act.

**SEC. 3. Penalty.** That any person, partnership, company, association or corporation subject to the provisions of this act, or any person, trust, combination, pool or association, or any director, officer, lessee, receiver, trustee, employe, clerk, agent or any person acting for or employed by them, who shall violate any of the provisions of section 1 of this act, or who shall aid and abet in such violation, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined any sum not less than five hundred dollars (\$500) and not exceeding two thousand dollars (\$2,000) or imprisoned in the county jail for a period not exceeding six months, or both, at the discretion of the court. It shall be the duty of the grand jury to inquire into and ascertain if there exists any pool, trust, combination or violation of any provision in this act, in their respective counties.

Approved April 12, A. D. 1909.

## CHAPTER 226.

## GIFT ENTERPRISES.

S. F. 386.

AN ACT to define gift enterprises and to provide a penalty for carrying on the same.  
 [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code, relating to cheating by false pretenses, gross frauds and conspiracy.]

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

**SECTION 1. What prohibited.** All gift enterprises, as hereinafter defined, and all trade practices carried on in connection therewith are hereby prohibited and declared to be unlawful.

**SEC. 2. Gift enterprise defined.** Whenever two or more persons enter into any contract arrangement or scheme, whereby for the purpose of inducing the public to purchase merchandise or other property of one of the parties to said scheme, any other party thereto, for a valuable consideration and as a part of such scheme, advertises and induces or attempts to induce the public to believe that he will give gifts, premiums or prizes to persons purchasing such merchandise or other property of such party to said scheme, and that stamps or tickets will be given by the seller in connection with such sales entitling the purchaser of such property to receive such prizes or gifts from any other party to such scheme, the parties so undertaking and carrying out such scheme shall be deemed to be engaged in a "gift enterprise", unless the articles or things so promised to be given as gifts or premiums with or on account of such purchases, shall be definitely described on such stamp or ticket and the character and value of such promised prize or gift fully made known to the purchaser of such merchandise or other property at the time of the sale thereof, and unless the right of the holder of such stamp or ticket to the gift or premium so promised becomes absolute upon the completion upon the delivery thereof without the holder being required to collect any specified number of other similar stamps or tickets and to present them for redemption together, and the right of the holder of such stamp or ticket to the prize or gift so offered is absolute, and does not depend on any chance uncertainty or contingency whatever.

**SEC. 3. Misdemeanor.** Any person who engages in a gift enterprise such as is defined in this act or who advertises the same in any manner or who in furtherance of such scheme, as an inducement to purchasers, issues in connection with the sale of any merchandise or other property any such ticket or stamp purporting to be redeemable in some indefinite article not described thereon, only when presented with a collection of other stamps or tickets of like kind by some other party to such scheme, and which unless presented in the manner aforesaid is not redeemable at all shall each and all be guilty of a misdemeanor.

**SEC. 4. Term "person" construed.** The word "person" as used in this act may in proper cases in order to make the intent and meaning of the law effective, be construed to mean firm or corporation.

Approved April 15, A. D. 1909.

## CHAPTER 227.

## INDICTMENTS.

H. F. 93.

AN ACT to amend the law as it appears in section five thousand two hundred eighty-nine (5289) of the code, by adding thereto a provision permitting the county attorney to amend indictments and to require that objections to indictments be waived if not made before swearing the jury on the trial of the case.

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

SECTION 1. **Corrections authorized—notice—objections.** That the law as it appears in section five thousand two hundred eighty-nine (5289) of the code be amended by adding thereto the following paragraphs, to-wit:

"7. The county attorney may, at any time before or during the trial of defendant upon indictment, amend the indictment so as to correct errors or omissions therein as to matters of form, or to correct errors in the name of any person or in the description of any person or thing, or in the allegations concerning the ownership of property that may be described in the indictment; but such amendment shall not prejudice the substantial rights of the defendant, or charge him with a different crime or different degree of crime from that charged in the original indictment returned by the grand jury.

8. A notice of the time the state will ask permission to file such amendment, together with a copy of such amendment shall be served upon the defendant or his attorney and an opportunity be given the defendant to resist the filing of such amendment. No continuance or delay in trial shall be granted because of such amendment, except upon the defendant's application, it appearing to the court that defendant should have additional time to prepare for trial because of the new allegations contained in the indictment.

9. All objections to the indictment relating to matters of substance and form which might be raised by a plea in abatement shall be deemed waived if not raised by the defendant before the jury is sworn on the trial of the case."

Approved April 15, A. D. 1909.

## CHAPTER 228.

## APPEALS IN CRIMINAL CASES.

S. F. 67.

AN ACT to amend section fifty-four hundred forty-eight (5448) of the code relating to the time in which an appeal may be taken from the final judgment in criminal cases.

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

SECTION 1. **When allowed.** That section fifty-four hundred forty-eight (5448) of the code be amended by striking out the words "one year" in the fourth line thereof and inserting in lieu thereof the words "six months".

SEC. 2. **Not applicable to judgments entered prior to July 4, 1909.** The provisions of this act shall not affect any case in which judgment has been entered in the district court prior to the taking effect of this act.

Approved February 5, A. D. 1909.

## CHAPTER 229.

## HARD LABOR BY PERSONS CONFINED IN JAILS.

H. F. 248.

AN ACT to amend section five thousand six hundred and fifty-two (5652) of the code, relating to hard labor by persons confined in jails.

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

**SECTION 1. Age limitation repealed.** That section five thousand six hundred and fifty-two (5652) of the code be and the same is hereby amended by striking out of the second line thereof the following words: "and under fifty years".

Approved March 18, A. D. 1909.

## CHAPTER 230.

## TRIAL OF CERTAIN PERSONS CHARGED WITH CRIME OF MURDER.

H. F. 399.

AN ACT providing for the trial of persons charged with the commission of the crime of murder who are confined in a prison or reformatory. [Additional to chapter two (2) of title twenty-six (XXVI) of the code, relating to the penitentiaries.]

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

**SECTION 1. Removal from prison or reformatory authorized.** Any person, now, or hereafter, confined in any prison or reformatory of this state, who is now, or shall hereafter be indicted charged with the crime of murder, may be removed from such prison or reformatory for trial on such indictment.

**SEC. 2. Order for removal.** After an indictment is returned against any person confined in such prison or reformatory charging the defendant with the crime of murder, the judge of the district court of the county in which such indictment is had, may enter an order under the seal of said court, directing that such person shall be produced for trial thereon; one copy of said order shall be delivered to the sheriff of said county and one copy thereof furnished to the warden, jailer or superintendent having the custody of such person, which shall be his authority for the delivery of such prisoner to the sheriff.

**SEC. 3. Defendant returned to prison or reformatory—how punished.** On the trial of any person as provided herein, if the defendant be found not guilty, he shall be returned to the prison or reformatory from which he was taken, but if convicted under said indictment he shall be punished as provided by law.

**SEC. 4. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 18, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 231.

## PAROLES.

S. F. 379.

AN ACT to amend the law as it appears in section five thousand seven hundred eighteen-a eighteen (5718-a18) of the supplement to the code, 1907, relating to the power of the board of parole to establish rules and regulations governing paroles.

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

SECTION 1. **Parole before commitment.** That the law as it appears in section five thousand seven hundred eighteen-a-eighteen (5718-a-18) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "penitentiary" and before the word "and" in the eighth line of said section the following: "it may, on the recommendation of the trial judge and county attorney, and when it shall appear that the good of society will not suffer thereby, parole, after conviction and before commitment, persons not previously convicted of a felony".

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 20, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 232.

## ANNUAL VACATIONS FOR OFFICERS AND EMPLOYES OF STATE INSTITUTIONS.

S. F. 197.

AN ACT to grant to certain officers and other employes of the state institutions under the control of the board of control of state institutions annual vacations with pay and to repeal section fifty-seven hundred eighteen-a twenty-nine (5718-a29) and section fifty-seven hundred eighteen-a thirty (5718-a30) of the supplement to the code, 1907.

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

SECTION 1. **Annual vacations—based on length of service—permits.** That each officer and employe of the state institutions under the control of the board of control of state institutions who shall have been in the service of said state not less than one year continuously, giving all his or her time to said service, shall be entitled to a vacation each year on full pay as follows: after having served one year to seven days, and after having served two years to ten days, and after having served three years to fourteen days. Provided, however, that the vacations authorized by this act shall not be taken by any person in any institution unless the executive officer thereof shall have given to that person a permit in writing to take such vacation, specifying in the permit the days on which the vacation may be taken. A copy of such permit shall be attached to the pay roll of the institution for the month during which the vacation was taken, and the pay roll shall show the number of days the person was absent under the permit.

SEC. 2. **Vacations arranged so as not to interfere with work.** It shall be the duty of the chief executive officer of each institution to arrange for the vacations hereby authorized to be taken at such times as will interfere as little as possible with the work of the institution, and be just to the employes.

SEC. 3. **Not applicable to certain officers and employes.** This act shall not apply to any officer or other employe who is not required to render service for twelve months each year.

SEC. 4. **Repeal.** The law as it appears in sections fifty-seven hundred and eighteen a-29 and fifty-seven hundred and eighteen a-30 of the supplement to the code, 1907, is hereby repealed.

SEC. 5. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 2, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 3, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 233.

### CONVEYANCES MADE BY THE FIRST UNIVERSALIST PARISH OF IOWA CITY.

H. F. 28.

AN ACT to amend section one (1), chapter five (5) of the acts of the sixteenth general assembly of the state of Iowa, relating to the granting of power to the First Universalist Parish of Iowa City, Iowa, to transfer a portion of its property in Iowa City, Iowa.

WHEREAS, By the provisions of chapter five, acts of the sixteenth general assembly of the state of Iowa, it was intended to authorize and empower the First Universalist Parish of Iowa City, Iowa, to sell and convey the west half ( $W\frac{1}{2}$ ) of the north half ( $N\frac{1}{2}$ ) of block sixty-six (66) in Iowa City, Iowa, under the terms provided for in said act, and

WHEREAS, Said property was erroneously described in section one of said act as "Lots three (3) and four (4) in block sixty-six (66), in Iowa City, Iowa," instead of as the "west half ( $W\frac{1}{2}$ ) of the north half ( $N\frac{1}{2}$ ) of said block sixty-six in Iowa City, Iowa," which is the correct description thereof, now therefore,

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

SECTION 1. **Authority to sell and convey certain property.** That section one, chapter five, of the acts of the sixteenth general assembly of the state of Iowa, be and the same is hereby amended by striking out the words and figures, "Lots three (3) and four (4), in", in the seventh line thereof, and inserting in lieu thereof the words, "The west half ( $W\frac{1}{2}$ ) of the north half ( $N\frac{1}{2}$ ) of".

SEC. 2. **Conveyances legalized.** All conveyances made by the First Universalist Parish of Iowa City, Iowa, of the property above described, or any part thereof, subsequent to the passage of said chapter five of the sixteenth general assembly, and under and by virtue thereof, and all conveyances of said land, or any part thereof made by the owners subsequent to the passage of said act, are hereby legalized and declared to be valid and binding.

SEC. 3. **In effect.** This act being deemed of immediate importance shall be in force from and after its publication in the Iowa City Daily Press, published at Iowa City, Iowa, and in the Register and Leader, published at Des Moines, Iowa, such publication to be without expense to the state.

Approved February 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and the Iowa City Daily Press, February 10, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 234.

## MILLAGE TAX FOR THE STATE UNIVERSITY.

S. F. 417.

AN ACT to amend section one (1) of chapter one hundred and eighty-three (183) of the laws of the thirty-first general assembly relating to the levy of a millage tax for the state university of Iowa and providing for expenditure thereof.

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

SECTION 1. "**State board of education**" in lieu of "**board of regents**". That section one (1) of chapter one hundred and eighty-three (183) of the laws of the thirty-first general assembly be and the same is hereby amended by striking out of the third and fourth lines of said section the words "board of regents of the state university of Iowa", and by inserting in lieu thereof the words "state board of education," also by striking out of the twelfth line of said section the words "board of regents" and by inserting in lieu thereof the words "state board of education".

Approved April 12, A. D. 1909.

## CHAPTER 235.

## MILLAGE TAX FOR THE AGRICULTURAL COLLEGE.

S. F. 419.

AN ACT to amend section one (1) of chapter one hundred and eighty-four (184) of the laws of the thirty-first general assembly, relating to the levy of a millage tax for the state college of agriculture and mechanic arts and providing for the expenditure thereof.

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

SECTION 1. "**State board of education**" in lieu of "**board of trustees**". That section one (1) of chapter one hundred and eighty-four (184) of the laws of the thirty-first general assembly be and the same is hereby amended by striking out of the third and fourth lines of said section the words "board of trustees of the Iowa state college of agriculture and mechanic arts" and by inserting in lieu thereof the words "state board of education", also by striking out of line thirteen of said section the words "board of trustees of said college" and by inserting in lieu thereof the words "state board of education".

Approved April 12, A. D. 1909.

## CHAPTER 236.

## MILLAGE TAX FOR THE STATE NORMAL SCHOOL.

S. F. 420.

AN ACT to amend section one (1) of chapter one hundred and eighty-six (186) of the laws of the thirty-first general assembly, relating to the levy of a millage tax for the state normal school and providing for the expenditure thereof.

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

SECTION 1. "**State board of education**" in lieu of "**board of trustees**". That section one (1) of chapter one hundred and eighty-six (186) of the laws of the thirty-first general assembly be and the same is hereby amended by striking out of the third and fourth lines of said section the words "board of trustees of the state normal school" and by inserting in lieu thereof the words "state board of education", also by striking out of the thirteenth line of said section the words, "board of trustees of said state normal school" and by inserting in lieu thereof the words, "state board of education".

Approved April 12, A. D. 1909.



## APPROPRIATION ACTS

### CHAPTER 237.

#### GENERAL LEVY FOR STATE PURPOSES.

S. F. 434.

AN ACT to provide for the general levy for state purposes for the years nineteen hundred and nine (1909) and nineteen hundred and ten (1910).

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

SECTION 1. **State levy.** That the executive council shall in the year nineteen hundred and nine (1909) fix the rate per centum to be levied upon the valuation of the taxable property of the state necessary to yield for general state purposes approximately the sum of two million three hundred thousand dollars (\$2,300,000.00); and in the year nineteen hundred and ten (1910) shall fix the rate necessary to yield approximately the further sum of two million three hundred thousand dollars (\$2,300,000.00).

SEC. 2. **Executive council to certify rate.** The executive council shall certify the rate necessary to the auditor of each county.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

### CHAPTER 238.

#### MILEAGE AND EXPENSES OF VISITATION COMMITTEES.

H. F. 531.

AN ACT making an appropriation to defray the mileage and expenses of the members of the various committees sent by the thirty-third general assembly to visit the several state educational institutions.

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

SECTION 1. **Appropriation—amounts.** There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of one hundred fifty-seven and fifty one-hundredths dollars (\$157.50) to defray the mileage and expenses of the members of the various committees sent by the thirty-third general assembly, under concurrent resolution, to visit the various state educational institutions. The said sum to be paid to the various persons, and in the amounts as follows, to-wit:

|                         |          |
|-------------------------|----------|
| F. L. Maytag .....      | \$ 34.10 |
| W. C. Stuckslager ..... | 31.50    |
| C. F. Swift .....       | 30.95    |
| Ward Wilson .....       | 29.45    |
| N. J. Lee .....         | 31.50    |

SEC. 2. **Warrants—how drawn.** The state auditor is hereby authorized and directed to draw his warrants on the state treasury in favor of the persons named in section one (1) of this act in the respective sums appropriated to each.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 14, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 239.

### MILEAGE, EXPENSES AND WITNESS FEES OF INVESTIGATING COMMITTEE FOR THE HOSPITALS FOR INSANE.

H. F. 530.

AN ACT making an appropriation to defray the mileage expense, general expenses and witness fees of the investigating committee for the hospitals for insane.

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

SECTION 1. **Appropriation—amounts.** There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of three hundred twenty-seven and sixty-nine one-hundredths dollars (\$327.69), to defray the mileage expense, general expenses and witness fees of the investigating committee for the hospitals for insane. The said sum to be paid to the various persons, and in the amounts as follows, to-wit:

S. M. McCleery.

|   |         |
|---|---------|
| Stamps .....                                | \$10.00 |
| Stamps .....                                | 1.75    |
| Fare from Mt. Pleasant to Clarinda.....     | 4.25    |
| Fare from Des Moines to Mt. Pleasant.....   | 2.78    |
| Fare from Clarinda to Des Moines.....       | 2.84    |
| Hack to and from Mt. Pleasant hospital..... | 3.00    |
| Paid to Dan Cherrier, stenographer—         |         |
| Railroad fare .....                         | \$2.78  |
| Railroad fare .....                         | 4.25    |
| Railroad fare .....                         | 2.84    |
| Bus fare .....                              | .25     |
| Fare from Des Moines to Independence.....   | 10.12   |
| Fare from Independence to Des Moines.....   | 2.83    |
| Fare from Independence to Des Moines.....   | 2.83    |
| Total .....                                 | \$40.40 |

## H. C. Brandes.

|   |                |
|---|----------------|
| Fare from Des Moines to Mt. Pleasant.....           | \$ 2.78        |
| Fare from Mt. Pleasant to Clarinda.....             | 4.25           |
| Fare from Clarinda to Des Moines.....               | 2.84           |
| Hack fare at Clarinda (failed to take receipt)..... | 1.00           |
| Hotel bill at Mt. Pleasant for four.....            | 8.00           |
| Supper for four .....                               | 2.00           |
| Fare from Des Moines to Independence.....           | 2.83           |
| Fare from Independence to Des Moines.....           | 2.83           |
| <b>Total .....</b>                                  | <b>\$26.53</b> |

## Dr. E. B. Fulliam.

|  |                |
|--|----------------|
| Fare from Des Moines to Mt. Pleasant.....      | \$ 2.78        |
| Fare from Mt. Pleasant to Clarinda.....        | 4.25           |
| Fare from Clarinda to Des Moines.....          | 2.84           |
| Four breakfasts .....                          | 2.00           |
| Bus hire and return.....                       | 1.50           |
| Fare from Des Moines to Independence.....      | 2.83           |
| Two fares from Independence to Des Moines..... | 5.66           |
| Hotel bill at Independence for three .....     | 3.00           |
| Livery to hospital and return.....             | 3.75           |
| <b>Total .....</b>                             | <b>\$28.61</b> |

|  |                     |               |        |
|--|---------------------|---------------|--------|
| J. C. Smith..... Louisa county .....       | Service .....       | \$ .20        |        |
|  | Copy .....          | .20           |        |
|  | Mileage .....       | .10           |        |
|  | <b>Total .....</b>  | <b>\$ .50</b> |        |
| F. C. Warrick..... Story county .....      | Service .....       | \$ .20        |        |
|  | Mileage .....       | .90           |        |
|  | Copy .....          | .20           |        |
|  | <b>Total .....</b>  | <b>\$1.30</b> |        |
| M. P. Hennessey..... Delaware county ..... | Service .....       | \$ .50        |        |
|  | Mileage .....       | 2.00          |        |
|  | Copy .....          | .20           |        |
|  | <b>Total .....</b>  | <b>\$2.70</b> |        |
| R. F. Benham..... Muscatine county .....   | Fees .....          | \$ .50        |        |
|  | <b>Total .....</b>  | <b>\$ .50</b> |        |
| Thos. Walsh .....                          | Hardin county ..... | Service ..... | \$ .50 |
|  |                     | Copy .....    | .20    |
|  |                     | Mileage ..... | 2.30   |
|  | <b>Total .....</b>  | <b>\$3.00</b> |        |
| J. C. Smith..... Louisa county .....       | Service .....       | \$ .20        |        |
|  | Copy .....          | .20           |        |
|  | Mileage .....       | .10           |        |
|  | <b>Total .....</b>  | <b>\$ .50</b> |        |

|                                     |                          |         |         |
|-------------------------------------|--------------------------|---------|---------|
| Thos. Walsh                         | Hardin county            | Service | \$ .50  |
|                                     |                          | Copy    | .20     |
|                                     |                          | Mileage | 2.60    |
|                                     |                          | Total   | \$3.30  |
| S. J. McCord                        | Page county              | Service | \$ .50  |
|                                     |                          | Mileage | .10     |
|                                     |                          | Copy    | .10     |
|                                     |                          | Total   | \$ .70  |
| O. E. Jackson                       | Montgomery county        | Service | \$ .50  |
|                                     |                          | Mileage | .10     |
|                                     |                          | Copies  | .20     |
|                                     |                          | Total   | \$ .80  |
| Chas. P. Poor                       | Henry county             | Fees    | \$1.00  |
|                                     |                          | Total   | \$1.00  |
| R. F. Benham                        | Muscatine county         | Fees    | \$ .50  |
|                                     |                          | Total   | \$ .50  |
| T. F. McCaffrey                     | Pottawattamie county     | Fees    | \$ .60  |
|                                     |                          | Total   | \$ .60  |
| R. F. Benham                        | Muscatine county         | Fees    | \$ .50  |
|                                     |                          | Total   | \$ .50  |
| Dr. Shoemaker, Des Moines, Iowa     | 2 miles at 5c per mile   |         | \$ .10  |
|                                     | 1 day's attendance       |         | 1.25    |
|                                     | Total                    |         | \$ 1.35 |
| H. A. Riggbert, Ames, Iowa          | 60 miles at 5c per mile  |         | \$ 3.00 |
|                                     | 1 day's attendance       |         | 1.25    |
|                                     | Total                    |         | \$ 4.25 |
| T. J. Clark, Gray, Iowa             | 234 miles at 5c per mile |         | \$11.70 |
|                                     | 2 days' attendance       |         | 2.50    |
|                                     | Total                    |         | \$14.20 |
| W. J. Hogancamp, West Liberty, Iowa | 288 miles at 5c per mile |         | \$14.40 |
|                                     | 2 days' attendance       |         | 2.50    |
|                                     | Total                    |         | \$16.90 |
| Robert McIntyre, Red Oak, Iowa      | 280 miles at 5c per mile |         | \$14.00 |
|                                     | 3 days' attendance       |         | 3.75    |
|                                     | Total                    |         | \$17.75 |
| Fred Rogers, Afton, Iowa            | 120 miles at 5c per mile |         | \$ 6.00 |
|                                     | 3 days' attendance       |         | 3.75    |
|                                     | Total                    |         | \$ 9.75 |
| Albert Kurth, Hopkinton, Iowa       | 374 miles at 5c per mile |         | \$18.70 |
|                                     | 4 days' attendance       |         | 5.00    |
|                                     | Total                    |         | \$23.70 |

|   |                               |         |
|---|-------------------------------|---------|
| Nora Lancaster, Union, Iowa.....                  | 160 miles at 5c per mile..... | \$ 8.00 |
|   | 4 days' attendance.....       | 5.00    |
|   | Total .....                   | \$13.00 |
| Mrs. Matilda Varnum, Hubbard, Iowa.....           | 120 miles at 5c per mile..... | \$ 6.00 |
|   | 2 days' attendance.....       | 2.50    |
|   | Total .....                   | \$ 8.50 |
| Mrs. Susie McClure, Council Bluffs,<br>Iowa ..... | 284 miles at 5c per mile..... | \$14.20 |
|   | 2 days' attendance.....       | 2.50    |
|   | Total .....                   | \$16.70 |
| Alice M. Bradford, Walker, Iowa....               | 350 miles at 5c per mile..... | \$17.50 |
|   | 4 days' attendance.....       | 5.00    |
|   | Total .....                   | \$22.50 |
| Bert Schreurs, Muscatine, Iowa.....               | 404 miles at 5c per mile..... | \$20.20 |
|   | 2 days' attendance.....       | 2.50    |
|   | Total .....                   | \$22.70 |
| G. W. Schreurs, Muscatine, Iowa....               | 404 miles at 5c per mile..... | \$20.20 |
|   | 2 days' attendance.....       | 2.50    |
|   | Total .....                   | \$22.70 |
| Mrs. C. E. Johnson, Clarinda, Iowa..              | 2 miles at 5c per mile.....   | \$ .10  |
|   | 1 day's attendance.....       | 1.25    |
|   | Total .....                   | \$ 1.35 |
| Dr. W. S. Grimes, Wapello, Iowa....               | 368 miles at 5c per mile..... | \$18.40 |
|   | 2 days' attendance.....       | 2.50    |
|   | Total .....                   | \$20.90 |

SEC. 2. **Warrants—how drawn.** That the state auditor is hereby authorized and directed to draw his warrants on the state treasury in favor of the persons named in section one (1) of this act in the respective sums appropriated to each.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 14, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 240.

## ADDITIONAL EMPLOYES OF THE THIRTY-THIRD GENERAL ASSEMBLY.

S. F. 43.

AN ACT making an appropriation to pay the additional employes of the thirty-third general assembly.

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

**SECTION 1. Appropriation—how drawn.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three thousand (\$3,000.00) dollars, or so much thereof as may be necessary, to pay additional employes of the thirty-third general assembly; and the state auditor is hereby authorized to draw warrants against the same in favor of the persons and in the amounts certified to by the president of the senate and the speaker of the house, and the state treasurer is authorized to pay such warrants.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Daily News, daily newspapers published in the city of Des Moines, Iowa.

Approved February 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader February 10, A. D. 1909, and in the Des Moines Daily News February 11, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 241.

## STATE AND JUDICIAL OFFICERS; STATE AND OTHER EXPENSES.

S. F. 433.

AN ACT to make appropriations for the payment of state and judicial officers, state and other expenses.

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

**SECTION 1. Appropriation—how drawn.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, an amount sufficient to pay the salaries of the various officers, whose salaries are fixed by law, and payable from the state treasury, and the auditor of state shall draw warrants therefor in favor of the officers entitled thereto, in monthly installments, when not otherwise provided for by law.

**SEC. 2. Appropriation—money not expended.** There is further appropriated from the state treasury for a term of two years ending June 30, 1911, the following sums, or so much thereof as shall be necessary, to-wit: provided that on the first day of July succeeding the meeting of the regular session of the general assembly all moneys appropriated in this act and remaining unexpended, shall be and are hereby covered into the state treasury.

**SEC. 3. Clerical help—other expenses.**

1. *Auditor of state.* For the office of auditor of state, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of thirty-three thousand nine hundred sixty (\$33,960.00) dollars.

2. *Attorney general.* For the office of attorney general, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of fifteen thousand four hundred (\$15,400.00) dollars.

3. *State mine inspector.* For the office of state mine inspector, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of two thousand (\$2,000.00) dollars.

4. *Railroad commission.* For the railroad commission for clerical help, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of nine thousand seven hundred twenty (\$9,720.00) dollars; for traveling and all other expenses, the sum of two thousand two hundred eighty (\$2,280.00) dollars.

5. *Historical department.* For the historical department, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twelve thousand seven hundred sixty (\$12,760.00) dollars.

6. *Geological survey.* For the geological survey, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twenty-two hundred (\$2,200.00) dollars.

7. *Clerk of supreme court.* For the office of clerk of the supreme court, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of five thousand eight hundred eighty (\$5,880.00) dollars.

8. *Supreme court.* For the incidental expenses of the chief justice of the supreme court, for the period ending June 30, 1911, the sum of one thousand (\$1,000.00) dollars; also for bailiff, messenger, and stenographic service, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twelve thousand six hundred (\$12,600.00) dollars.

9. *State food and dairy commissioner.* For expenses of the state food and dairy commissioner, assistant commissioner, and deputy, and for food and milk inspection, for the period ending June 30, 1911, the sum of eleven thousand (\$11,000.00) dollars; for clerical assistance, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of five thousand three hundred sixty (\$5,360.00) dollars.

10. *Treasurer of state.* For the office of treasurer of state, for the period ending June 30, 1911, as per joint resolution No. 6, for salaries and incidental expenses, the sum of twelve thousand three hundred sixty (\$12,360.00) dollars.

11. *Superintendent of public instruction.* For the office of superintendent of public instruction, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of four thousand three hundred sixty (\$4,360.00) dollars.

12. *State librarian.* For the office of state librarian, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of seven thousand three hundred sixty (\$7,360.00) dollars.

13. *Supreme court reporter.* For the office of supreme court reporter, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of fourteen hundred forty (\$1,440.00) dollars.

14. *Secretary of state.* For the office of secretary of state, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of twenty thousand six hundred (\$20,600.00) dollars.

15. *Governor.* For the office of governor, for the period ending June 30, 1911; for a contingent and expense fund, the sum of three thousand nine hundred thirty-six (\$3,936.00) dollars; for the expenses of employing additional counsel when necessary, under the provisions of sections sixty-three (63) and sixty-four (64) of the code, the sum of two thousand five hundred (\$2,500.00) dollars; for investigation of applications for pardon and parole and for return of paroled prisoners, the sum of five hundred (\$500.00) dollars; for house rent for the governor, the sum of one thousand two hundred (\$1,200.00) dollars; for employes in the office of the governor, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of ten thousand four hundred (\$10,400.00) dollars.

16. *Employes under custodian.* For employes under the custodian, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of fifty-seven thousand two hundred (\$57,200.00) dollars.

17. *Executive council—providential contingencies.* For providential contingencies the sum of fifty thousand (\$50,000.00) dollars, to be expended in accordance with the provisions of section one hundred seventy (170) of the code, the said amount to be under the control of the executive council and all payments from said sum shall first receive its unanimous approval. Any expenditures under this section shall be reported in detail by the auditor of state in his next report.

18. *Executive council—furniture, stores, supplies.* There is hereby appropriated the sum of one hundred five thousand (\$105,000.00) dollars, to be expended under the direction of the executive council, under the provisions of section one hundred sixty-five (165) of the code, for furniture, stores and supplies, and the further sum of twenty thousand (\$20,000.00) dollars or so much thereof as shall be necessary, for the purchase of fuel.

19. *Executive council—water, lights, etc.* There is hereby appropriated the sum of twenty thousand (\$20,000.00) dollars, to be expended under the direction of the executive council, under the provisions of section one hundred sixty-four (164) of the code.

20. *Postmaster.* There is hereby appropriated for the payment of postmaster, and mail carrier, for the capitol, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of two thousand eight hundred (\$2,800.00) dollars.

21. *Secretary of the executive council.* For the office of secretary of the executive council, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of thirteen thousand three hundred sixty (\$13,360.00) dollars.

22. *Express, freight and drayage.* There is hereby appropriated for the purpose of paying express, freight, and drayage, for the period ending June 30, 1911, the sum of seventeen thousand five hundred (\$17,500.00) dollars.

23. *Members of executive council for extra services.* To the members of the executive council for extra services, for the period ending June 30, 1911, the sum of sixteen hundred dollars (\$1,600.00), each, and warrants shall be issued monthly therefor at the end of each month.

24. *Advertising laws.* There is hereby appropriated for the purpose of advertising laws, to be expended under the provisions of section thirty-six (36) of the code, the sum of one thousand (\$1,000.00) dollars.

25. *State board of health.* To the state board of health for extra clerical assistance, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of eighteen hundred (\$1,800.00) dollars; also for the purpose of printing and distributing the rules and regulations of the state board of health, the sum of five hundred (\$500.00) dollars.

26. *Bureau of labor statistics.* To the office of the bureau of labor statistics, for the period ending June 30, 1911, as per joint resolution No. 6, the sum of eighteen hundred (\$1,800.00) dollars.

**SEC. 4. Vouchers.** Each of the foregoing named officers shall furnish vouchers therefor, containing the items of such expenditures to the auditor of state before any warrant shall issue therefor, and the amounts thereof, and to whom paid, shall be reported to the next general assembly.

**SEC. 5. Lieutenant governor.** To George W. Clarke, lieutenant governor, as president of the senate, the sum of one thousand one hundred (\$1,100.00) dollars.

**SEC. 6. Speaker of the house.** To Guy A. Feely, as speaker of the house of representatives, the sum of five hundred fifty (\$550.00) dollars, which shall be in addition to his salary as member of the house.



SEC. 7. **Lieutenant governor—extra session.** To Warren Garst, lieutenant governor, as president of the senate, for the extra session of the thirty-second general assembly, the sum of one hundred thirty-two (\$132.00) dollars.

SEC. 8. **Speaker of the house—extra session.** To N. E. Kendall, as speaker of the house of representatives, for the extra session of the thirty-second general assembly, the sum of sixty-six (\$66.00) dollars.

SEC. 9. **Chaplains.** For chaplains of the senate and of the house of the thirty-third general assembly, the sum of six hundred ninety (\$690.00) dollars, or so much thereof as may be necessary, warrants therefor to be drawn in favor of the persons entitled thereto, who shall be determined by the auditor of state upon the certified statement of the president of the senate and the speaker of the house.

SEC. 10. **Session law annotations.** To the secretary of state for the purchase of one hundred sixty (160) sets of the annotations to the session laws of the thirty-third general assembly, the sum of seventy-five (\$75.00) dollars.

SEC. 11. **Publication of notices of pardon applications.** For the payment of the claims due sundry parties for the publication of notices of application for pardon under the provision of section five thousand six hundred twenty-six (5626) of the code, the sum of one hundred sixty-four and 55-100 (\$164.55) dollars, to be paid on a statement approved by the governor.

SEC. 12. **Indexing journals.** To the secretary of state for indexing journals for the house and senate of the thirty-third general assembly, in addition to the amount provided by law, the sum of two hundred (\$200.00) dollars.

SEC. 13. **Expenses of superintendent of weights and measures.** For expenses of state superintendent of weights and measures for attending national convention of state sealers of weights and measures, the sum of one hundred (\$100.00) dollars.

SEC. 14. **Board of control.** To the board of control for additional draftsman in that department, the sum of sixteen hundred (\$1,600.00) dollars.

SEC. 15. **Secretary of state—extra clerk hire.** To the secretary of state for extra clerk hire during the thirty-third general assembly, the sum of two hundred and twenty-five (\$225.00) dollars.

SEC. 16. **Chairs.** To S. Davidson & Brothers for two chairs, the sum of fifty-nine and 54-100 (\$59.54) dollars.

SEC. 17. **Cartage on piano.** To the Guest Piano Company for cartage on piano to and from state capitol, occasion of Lincoln's birthday exercises, the sum of nine (\$9.00) dollars.

SEC. 18. **Badges.** To Des Moines Rubber Stamp Works for badges for the house and senate of the thirty-third general assembly, the sum of fifty-three (\$53.00) dollars.

SEC. 19. **Gavels.** To Baker-Trisler Company for two gavels, the sum of two and 25-100 (\$2.25) dollars.

SEC. 20. **Typewriters.** To Underwood Typewriter Company for two typewriters for house and senate the sum of one hundred eighty-two and 25-100 (\$182.25) dollars; also for rent of two typewriters for use of house and senate during the session of the thirty-third general assembly, the sum of eighteen & 85-100 (\$18.85) dollars.

SEC. 21. **Drayage.** To Bolton Transfer company for hauling band stand, occasion of inaugural ceremonies, the sum of four (\$4.00) dollars.

SEC. 22. **Panel partition.** To Des Moines Cabinet Company for panel partition in rear of senate chamber, the sum of two hundred eight & 20-100 (\$208.20) dollars.

SEC. 23. **Rent of storage rooms.** For rent of storage rooms for the adjutant general for the period ending July 1, 1911, the sum of two thousand (\$2,000.00) dollars.

SEC. 24. **Interest due permanent school fund.** For the purpose of paying the interest of the indebtedness of the state to the permanent school fund, the sum of one thousand three hundred twelve 46-100 (\$1,312.46) dollars, which is to be in full of such interest on such indebtedness, and the auditor of state shall draw warrants for the above appropriations as said interest shall become due.

SEC. 25. **House and senate employes.** To the employes of the house and senate for services required after adjournment, the sum of two hundred (\$200.00) dollars.

SEC. 26. **Warden's house fund.** For warden's house fund at the penitentiaries at Ft. Madison and Anamosa, two hundred (\$200.00) dollars each, for the period ending July 1, 1911.

SEC. 27. **Witness expenses.** To the board of control of state institutions for expenses of witnesses for the state hospitals who appeared before the house investigating committee, April 3, 1909, the sum of ninety & 70-100 (\$90.70) dollars.

SEC. 28. **Service of notice.** To W. M. Crees, sheriff of Audubon county, Iowa, for serving notice on witness to appear before house investigating committee March 30, 1909, the sum of one and 80-100 (\$1.80) dollars.

SEC. 29. **Custodian—for removal of snow.** For the custodian the sum of one thousand (\$1,000.00) dollars to pay for shoveling snow and other necessary work, warrants for same to be drawn upon the certificate of the custodian.

SEC. 30. **Executive council—necessary expenses.** To the executive council to meet necessary expenses, for which no appropriation is made, the sum of three thousand (\$3,000.00) dollars, to be disbursed on claims approved by the executive council and the auditor of state shall draw warrants therefor.

SEC. 31. **Industrial equipment for Anamosa reformatory.** To the board of control of state institutions for state reformatory at Anamosa for the purchase of industrial equipment, the sum of two thousand (\$2,000.00) dollars.

SEC. 32. **Watchman clocks.** To the custodian for the purchase of night watchman clocks, the sum of two hundred (\$200.00) dollars.

SEC. 33. **Additional salary.** To Seldon H. Stacy on account of error made in joint resolution No. 6 of the thirty-second general assembly for additional salary, the sum of two hundred forty (\$240.00) dollars.

SEC. 34. **Hall of archives.** To the executive council for the continuation of the work of the arrangement, classification, labeling, filing, calendaring and indexing the public archives under section twenty-eight hundred eighty-one-k (2881-k) of the supplement to the code, 1907, the sum of four thousand (\$4,000) for the biennial period.

SEC. 35. **Repairing elevators.** To the executive council for the purpose of repairing elevators in the state capitol, the sum of fifteen hundred (\$1,500.00) dollars, or so much thereof as may be needed.

SEC. 36. **Executive council to audit and approve certain expenditures.** All allowances made herein to any of the foregoing named departments for additional assistance; extra or additional clerical assistance, assistant help in janitor service; contingent fund, extra stenographic or messenger service, shall be made upon verified pay rolls, or bills, to be audited and approved by the executive council.

SEC. 37. **Farmers institutes.** For the Franklin county Agricultural Society, two hundred dollars (\$200.00), for the Farmers Institute of Cherokee county, seventy-five dollars (\$75.00), for the Farmers Institute of Palo Alto county, seventy-five dollars (\$75.00), said amounts being the sums to which the above named societies are entitled under the statutes but for which they failed to file claims within the time provided by law.

SEC. 38. **Assistant janitor in cloak room.** For Walter Taylor, for three days' services as assistant in the cloak room of the house of representatives, of the 33rd general assembly, the sum of Nine dollars (\$9.00).

SEC. 39. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 15, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 17, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 242.

### ADDITIONAL IMPROVEMENTS AT THE STATE FAIR AND EXPOSITION GROUNDS.

H. F. 231.

AN ACT making appropriation for additional improvements at the Iowa state fair and exposition grounds.

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

SECTION 1. **Appropriation—purpose.** That there is hereby appropriated to the Iowa department of agriculture, out of moneys in the state treasury not otherwise appropriated, the sum of, one hundred thousand dollars (\$100,000.00) for the following purposes:

For a steel and concrete constructed amphitheater, removing track and barns .....\$100,000.00

SEC. 2. **How drawn.** All moneys appropriated by this act shall be drawn from the state treasury upon the order of the state board of agriculture.

SEC. 3. **In effect.** This act, being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 31, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 243.

### STATE HOSPITALS, PENITENTIARIES, INDUSTRIAL SCHOOLS, SANATORIUM FOR TREATMENT OF TUBERCULOSIS, INSTITUTION FOR THE FEEBLE-MINDED, COLLEGE FOR THE BLIND, SCHOOL FOR THE DEAF, SOLDIERS' HOME AND SOLDIERS' ORPHANS' HOME.

S. F. 402.

AN ACT making appropriations for the construction, repair, improvement and contingent funds for the state hospitals, penitentiaries, industrial schools, sanatorium for treatment of tuberculosis, institution for the feeble-minded, college for the blind, school for the deaf, Iowa soldiers' home and Iowa soldiers' orphans' home.

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

SECTION 1. **Appropriation.** That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five

hundred nine thousand three hundred dollars (\$509,300.00) for the construction, improvement, repair and contingent funds for the state hospitals, penitentiaries, industrial schools, institution for feeble minded children, college for the blind, school for the deaf, Iowa soldiers' home, Iowa soldiers' orphans' home, and sanatorium for treatment of tuberculosis in sums as hereinafter specified.

**SEC. 2. How drawn and expended.** All money appropriated by this act shall be drawn from the state treasury and expended in the manner provided by chapter eleven-b (11-b) of title XIII of the supplement to the code 1907. Any balance remaining of any appropriation after the object for which it was made has been accomplished may be expended in the discretion of the board of control of state institutions for any purpose connected with the institution for which the appropriation was made, and the board of control shall report within five days after the convening of the next general assembly the amount transferred from each fund as provided in this section and the amount of unexpended balances in the state treasury December 31, 1910.

**SEC. 3. Soldiers' home.** Of the appropriations made by this act, the Iowa soldiers' home at Marshalltown shall receive sums as follows:

|   |             |
|---|-------------|
| For additional room for married people.....                                       | \$ 5,000.00 |
| For furniture and furnishings.....  | 3,000.00    |
| For improvement of plumbing, heating and lighting system and general repairs..... | 7,300.00    |
| For new beds.....   | 2,700.00    |
| For tool house and vegetable cellar.....  | 2,000.00    |

**SEC. 4. Soldiers' orphans' home.** Of the appropriations made by this act, the Iowa soldiers' orphans' home at Davenport, shall receive sums as follows:

|                                     |           |
|-------------------------------------|-----------|
| For beds.....                       | \$ 600.00 |
| For mattresses.....                 | 1,800.00  |
| For dormitory floors.....           | 400.00    |
| For decorating chapel.....          | 300.00    |
| For wagon shed.....                 | 150.00    |
| For books and periodicals.....      | 300.00    |
| For connection of city sewer.....   | 1,400.00  |
| For contingent and repair fund..... | 3,000.00  |

**SEC. 5. College for the blind.** Of the appropriations made by this act, the college for the blind at Vinton shall receive sums as follows:

|                                  |             |
|----------------------------------|-------------|
| For gymnasium and equipment..... | \$12,000.00 |
|----------------------------------|-------------|

**SEC. 6. School for the deaf.** Of the appropriations made by this act, the school for the deaf at Council Bluffs shall receive sums as follows:

|  |           |
|--|-----------|
| For telephone system.....                        | \$ 300.00 |
| For fencing.....                                 | 500.00    |
| For completing and furnishing assembly hall..... | 2,000.00  |
| For library and binding.....                     | 300.00    |
| For school furniture.....                        | 300.00    |
| For painting interior main building.....         | 500.00    |
| For painting school house and gymnasium.....     | 1,000.00  |
| For walks and grading.....                       | 500.00    |
| For contingent and repair fund.....              | 3,500.00  |

**SEC. 7. Institution for feeble minded children.** Of the appropriations made by this act, the institution for feeble minded children at Glenwood shall receive sums as follows:

|  |             |
|--|-------------|
| For wing for new custodial building..... | \$40,000.00 |
| For beds and bedding.....                | 3,000.00    |
| For furniture and furnishings.....       | 4,000.00    |
| For paint and painting.....              | 3,500.00    |

|                                |           |
|--------------------------------|-----------|
| For contingent and repair..... | 10,000.00 |
| For railway switch.....        | 3,500.00  |

SEC. 8. **Sanatorium for treatment of tuberculosis.** Of the appropriations made by this act, the state sanatorium for treatment of tuberculosis at Oakdale shall receive sums as follows:

|   |             |
|---|-------------|
| For cottage for patients.....                       | \$22,500.00 |
| For cottage for superintendent.....                 | 5,000.00    |
| For kitchen, dining room and quarters for help..... | 20,000.00   |
| For fire protection.....                            | 4,000.00    |
| For buildings for poultry.....                      | 500.00      |
| For improvement of grounds.....                     | 1,000.00    |
| For amusements.....                                 | 200.00      |
| For books and periodicals.....                      | 300.00      |
| For contingent and repair.....                      | 3,000.00    |

SEC. 9. **Industrial school for boys.** Of the appropriations made by this act, the industrial school for boys at Eldora shall receive sums as follows:

|   |             |
|---|-------------|
| For hospital building.....                  | \$10,000.00 |
| For two steam boilers.....                  | 2,000.00    |
| For greenhouse and connections.....         | 3,000.00    |
| For ice house.....                          | 1,600.00    |
| For lectures, entertainments, etc.....      | 300.00      |
| For library, books and periodicals.....     | 300.00      |
| For dental fund.....                        | 600.00      |
| For agricultural implements.....            | 500.00      |
| For horses, cattle and hogs.....            | 1,000.00    |
| For band and orchestra instruments.....     | 200.00      |
| For furniture and furnishings.....          | 1,000.00    |
| For drain tile.....                         | 1,000.00    |
| For fencing.....                            | 500.00      |
| For horse barn.....                         | 3,500.00    |
| For cow barn.....                           | 4,000.00    |
| For granary.....                            | 2,000.00    |
| For tunnels, pipe, pipe covering etc.,..... | 15,000.00   |
| For contingent and repair fund.....         | 5,000.00    |

SEC. 10. **Industrial school for girls.** Of the appropriations made by this act, the industrial school for girls at Mitchellville shall receive sums as follows:

|  |             |
|--|-------------|
| For cement walks.....                        | \$ 1,000.00 |
| For finishing basement Larrabee cottage..... | 1,500.00    |
| For furniture and furnishings.....           | 1,000.00    |
| For hot water tank and connection.....       | 3,000.00    |
| For painting, interiors and exteriors.....   | 500.00      |
| For dental fund.....                         | 400.00      |
| For chaplain's fund.....                     | 150.00      |
| For new greenhouse and equipment.....        | 2,000.00    |
| For contingent and repair.....               | 3,000.00    |
| For pianos, six hundred dollars.....         | 600.00      |

SEC. 11. **Mount Pleasant state hospital.** Of the appropriations made by this act, the Mt. Pleasant state hospital shall receive sums as follows:

|   |             |
|---|-------------|
| For furniture and furnishings.....                      | \$ 5,000.00 |
| For patients' library.....                              | 500.00      |
| For women's infirmary, additional.....                  | 3,000.00    |
| For furniture and furnishings, women's infirmary.....   | 3,000.00    |
| For hydrotherapeutic department, women's infirmary..... | 4,000.00    |
| For furnishing farmer's lodge.....                      | 1,500.00    |
| For food cars.....                                      | 800.00      |
| For ice plant.....                                      | 12,000.00   |

|  |           |
|--|-----------|
| For battery of boilers .....                 | 5,000.00  |
| For drain tile .....                         | 2,000.00  |
| For fencing .....                            | 600.00    |
| For gutters, main building .....             | 3,000.00  |
| For open air pavilion .....                  | 2,000.00  |
| For paints and painting .....                | 3,000.00  |
| For kitchen equipment .....                  | 2,000.00  |
| For cows .....                               | 1,000.00  |
| For horses, wagons and farm implements ..... | 1,000.00  |
| For laundry machinery .....                  | 1,000.00  |
| For engine and generator .....               | 9,000.00  |
| For enlarging sewerage disposal plant .....  | 2,000.00  |
| For contingent and repair .....              | 10,000.00 |

SEC. 12. **Independence state hospital.** Of the appropriations made by this act, the Independence state hospital shall receive sums as follows:

|                                   |             |
|-----------------------------------|-------------|
| For electric wiring .....         | \$ 4,000.00 |
| For floors and flooring .....     | 3,000.00    |
| For paints and painting .....     | 3,000.00    |
| For new sewer .....               | 1,200.00    |
| For new smokestack .....          | 8,000.00    |
| For new boilers, additional ..... | 4,500.00    |
| For iron working lathe .....      | 750.00      |
| For re-shingling cow barn .....   | 500.00      |
| For tiling .....                  | 3,000.00    |
| For additional support fund ..... | 7,000.00    |
| For railway switch .....          | 20,000.00   |
| For contingent and repair .....   | 10,000.00   |

SEC. 13. **Clarinda state hospital.** Of the appropriations made by this act, the Clarinda state hospital shall receive sums as follows:

|                                   |             |
|-----------------------------------|-------------|
| For new boilers and stokers ..... | \$10,000.00 |
| For rewiring .....                | 3,000.00    |
| For plumbing and fixtures .....   | 1,000.00    |
| For contingent and repair .....   | 10,000.00   |

SEC. 14. **Cherokee state hospital.** Of the appropriations made by this act, the Cherokee state hospital shall receive sums as follows:

|   |             |
|---|-------------|
| For fire station and root cellar .....      | \$ 5,000.00 |
| For painting .....                          | 2,000.00    |
| For books, periodicals and newspapers ..... | 300.00      |
| For pictures and picture molding .....      | 250.00      |
| For carpets and rugs .....                  | 1,000.00    |
| For contingent and repair .....             | 10,000.00   |

SEC. 15. **Fort Madison penitentiary.** Of the appropriations made by this act, the state penitentiary at Fort Madison shall receive sums as follows:

|                                       |             |
|---------------------------------------|-------------|
| For transportation of prisoners ..... | \$ 2,000.00 |
| For cell house .....                  | 15,000.00   |
| For contingent and repair .....       | 5,000.00    |

SEC. 16. **Anamosa reformatory.** Of the appropriations made by this act, the reformatory at Anamosa shall receive sums as follows:

|  |             |
|--|-------------|
| For two new boilers and appurtenances .....      | \$ 2,000.00 |
| For wiring and lighting new cell bunk .....      | 2,000.00    |
| For derrick supplies .....                       | 500.00      |
| For tools for shop and quarry .....              | 600.00      |
| For freight on stone .....                       | 800.00      |
| For transportation of discharged prisoners ..... | 1,000.00    |
| For salaries of foremen .....                    | 10,000.00   |
| For printing and bindery, additional .....       | 2,500.00    |
| For contingent and repair .....                  | 5,000.00    |

SEC. 17. **Amount appropriated for purchase of land.** Of the appropriations made by this act, the sum of fifty thousand (\$50,000) dollars is for the purchase of land for the use of one or more of the state institutions hereinbefore named. The board of control of state institutions shall designate the institutions for which land is to be purchased and the amount to be expended for each, and the amounts so determined shall be drawn from the state treasury on vouchers duly executed for each purchase and approved by the chief executive officer of the institution for which the purchase was made and by said board of control.

SEC. 18. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 244.

### STATE UNIVERSITY, IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS AND STATE NORMAL SCHOOL.

S. F. 403.

AN ACT making appropriations for the state university, the Iowa state college of agriculture and mechanic arts, and the state normal school.

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

SECTION 1. **State university.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the state university the sum of twenty-two thousand (\$22,000) dollars, annually hereafter, and the further sum of twenty-five thousand (\$25,000) dollars, annually for two years, for additional support fund; the sum of seventy-five hundred (\$7,500) dollars, annually hereafter, for additional repair and contingent fund; and the sum of fifteen thousand (\$15,000) dollars, annually for two years, for library support. Said sums to be paid in quarterly installments on order of the board of regents.

There is further appropriated out of any money in the state treasury, not otherwise appropriated, to the state university the sum of ninety thousand (\$90,000) dollars for the following purposes:

|  |             |
|--|-------------|
| For additional boiler equipment, automatic stokers for central heating plant, boiler feed pump, and additional dynamo at hydraulic power station.... | \$15,000.00 |
| For purchase of additional land.....   | 35,000.00   |
| For departmental equipment and supplies.....   | 15,000.00   |
| For paving, sidewalks, and improvement of grounds  | 6,000.00    |
| For building equipment for buildings now partially equipped, and for equipment for new law building, and other buildings to be erected.....          | 19,000.00   |

The sums mentioned in the last paragraph shall be paid on order of the board of regents, but not more than one-half of the entire amount shall be paid before July 1, 1910.

**SEC. 2. Agricultural college.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the Iowa state college of agriculture and mechanic arts the sum of fifteen thousand (\$15,000) dollars, annually hereafter, and the further sum of twenty-five thousand (\$25,000) dollars annually for two years, for additional support fund; the sum of thirteen thousand (\$13,000) dollars, annually hereafter, for repairs, minor improvements and contingencies; the sum of twenty-five hundred (\$2,500) dollars, annually hereafter, for the library book fund; the sum of fifteen hundred (\$1,500) dollars, annually hereafter, for the support of the engineering experiment station; the sum of fifteen thousand (\$15,000) dollars, annually for two years, for the support of agricultural experiment station; and the sum of five thousand (\$5,000) dollars, annually for two years, for agricultural extension work. Said sums to be paid in quarterly installments on order of the board of trustees.

There is further appropriated out of any money in the state treasury, not otherwise appropriated, to the Iowa state college of agriculture and mechanic arts the sum of one hundred twelve thousand five hundred (\$112,500) dollars for the following purposes:

|  |             |
|--|-------------|
| For the equipment of departments .....   | \$15,000.00 |
| For the purchase of pure bred stock .....                                      | 10,000.00   |
| For furnishings and fixtures for the hall of agriculture .....                 | 25,000.00   |
| For furnishings and fixtures for the general engineer-<br>ing laboratory ..... | 5,000.00    |
| For sidewalks and grading .....  | 7,500.00    |
| For completing the heating and power plant.....                                | 50,000.00   |

The sums mentioned in the last paragraph shall be paid on order of the board of trustees of the Iowa state college of agriculture and mechanic arts, but not more than one-half of the entire amount shall be paid before July 1, 1910.

**SEC. 3. State normal school.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the state normal school the sum of ten thousand (\$10,000) dollars, annually hereafter, for the teacher's fund; and the sum of six thousand (\$6,000) dollars, annually hereafter, for the contingent and repair fund.

There is further appropriated out of any money in the state treasury, not otherwise appropriated, to the state normal school the sum of twenty-seven thousand (\$27,000) dollars for the following purposes:

|  |             |
|--|-------------|
| For the support of library.....                                  | \$10,000.00 |
| For librarian's salary .....                                     | 10,000.00   |
| For paving, permanent walks, and improvement of<br>grounds ..... | 5,000.00    |
| For nurse and hospital support.....                              | 2,000.00    |

Said sums to be paid in quarterly installments on order of the board of trustees.

**SEC. 4. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 17, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.



## CHAPTER 245.

## FISH AND GAME COMMISSION.

H. F. 229.

AN ACT relating to fish and game, and making appropriation for the fish and game commission of the state of Iowa.

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

**SECTION 1. Amounts appropriated.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the fish and game commission, for the state of Iowa, the sum appearing hereinafter, or so much thereof as may be necessary to be expended for the purpose expressed, viz.:

First. For protection of fish and game and payment of deputy wardens, and salary of assistant, the sum of ten thousand dollars (\$10,000).

Second. For gathering fish at Sabula for distribution, mileage of fish car and repairs on state fish car Hawkeye, the sum of three thousand dollars (\$3,000).

Making a total appropriation of thirteen thousand dollars (\$13,000).

**SEC. 2. Unexpended balances.** Any unexpended balance of money hereby appropriated and not required for the purpose mentioned, shall be returned to the state treasurer.

Approved April 8, A. D. 1909.

## CHAPTER 246.

## QUARANTINE OF INJURIOUS INSECTS.

S. F. 349.

AN ACT to appropriate money for the purpose of quarantining injurious insects under the provisions of the law as it appears in section twenty-five hundred and seventy-five a forty-eight (2575-a48) and section twenty-five hundred and seventy-five a forty-nine (2575-a49) of the supplement to the code, 1907.

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

**SECTION 1. Appropriation—how expended.** There is hereby appropriated out of any moneys not otherwise appropriated the sum of one thousand (\$1,000) dollars or so much thereof as may be necessary, to be expended by the state entomologist in the quarantine of dangerously injurious insects under the provisions of the law as it appears in sections twenty-five hundred and seventy-five a forty-eight (2575 a 48) and twenty-five hundred and seventy-five a forty-nine (2575 a 49) of the supplement to the code, 1907.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 10, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 12, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 247.

## HISTORICAL, MEMORIAL AND ART BUILDING.

S. F. 404.

AN ACT providing for the inside finishing and completion of the historical, memorial and art building, and making an appropriation therefor.

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

**SECTION 1. Appropriation—purposes.** The executive council is hereby authorized, empowered and directed to proceed with the inside finishing and completion of the historical, memorial and art building, including the refinishing, reilluminating, removal of the original main entrance, and restoration of the walls affected thereby, the inside finishing and decorations, stairways, and other structural details of the corridors and rotunda, in accordance with the specifications of the architect, also for the purchase of furniture and equipment for the collections of the historical department in said building. For these purposes there is hereby appropriated the sum of thirty thousand dollars (\$30,000) to be paid out of the moneys in the state treasury not otherwise appropriated.

**SEC. 2. Letting contracts.** The executive council shall proceed to let the necessary contracts to the lowest responsible bidder in open competition after being duly advertised, (reserving the right to reject any, or all bids). The person or firm receiving the contract shall execute such bonds as the executive council may deem necessary for the faithful performance of said work. All payments shall be approved by the executive council.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and in the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 248.

## ROSTER OF IOWA SOLDIERS, SAILORS AND MARINES.

H. F. 171.

AN ACT providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided by chapter two hundred twenty-three (223) laws of the thirty-second general assembly, fixing number of volumes, and making an additional appropriation therefor.

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

**SECTION 1. Appropriation—how drawn.** That the sum of ten thousand (\$10,000.00) dollars or so much thereof as may be necessary, is hereby appropriated from any moneys, not otherwise appropriated, in the treasury of the state, for the employment of the extra help and other necessary expense to complete the compilation of the roster and record of Iowa soldiers, sailors and marines provided by chapter two hundred twenty-three (223) laws of the thirty-second general assembly and the same shall be drawn and expended as provided for in section three (3) of said chapter.

**SEC. 2. Number printed and bound—distribution.** The edition of each volume hereafter printed shall be three thousand, instead of ten thousand, as provided by said chapter. Two thousand of each edition shall be bound in half sheep and the remainder shall be stitched and stored for future use and so bound whenever required for sale or distribution. One hundred sets of said rosters and record shall be placed in the hands of the adjutant general and one hundred sets in the state library, for exchange with libraries of other states, the war department library, and the librarian of congress and such other institutions of other states as have extended or may hereafter extend courtesies of like character to this state; one set shall be issued to each camp of the Union Veteran's Legion, located in the state of Iowa; the remainder of the edition shall be disposed of as provided in section three of the aforesaid chapter, except as said section is modified by the provisions of this act.

**SEC. 3. In effect.** This act being deemed of immediate importance shall be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital, March 13, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 249.

### IOWA STATE DRAINAGE, WATERWAYS AND CONSERVATION COMMISSION.

H. F. 349.

AN ACT to create the Iowa state drainage, waterways and conservation commission, and defining the powers and duties of the same.

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

**SECTION 1. Commission established.** There is hereby established a commission which shall be known as the Iowa state drainage, waterways and conservation commission, the members of which shall be chosen as hereinafter provided, whose term of service, powers and duties shall be as hereinafter prescribed.

**SEC. 2. How appointed—duties.** This commission shall be composed of seven men. They shall be appointed by the governor. It shall be the duty of this commission to investigate the entire question of the relation of the state to its waters, its forests, its soils, and its minerals. It is the intent and purpose of this bill that these investigations shall include the following:—

**Art. 1.** The present condition of public drainage in Iowa and the benefits which can be derived by securing the best of drainage engineering practice, the most economical administration of drainage projects, and a more economical method of financing at lower rates of interest, and show methods by which all of these benefits may be secured;

**Art. 2.** The present condition of all overflow of flood plain lands of Iowa, showing losses due by floods in the destruction of farm crops, the losses due by the destruction of property, in the cities, towns, and built-up districts, the losses due by the withdraw from crop cultivation of such flooded lands, and recommending the proper methods of prevention of such flood conditions;

**Art. 3.** The survey of at least one representative Iowa river to ascertain the available dam sites and the potential water-power and report the best method of procedure to bring about development of the water-powers of the

state, at the same time retaining the ultimate control of the water supply as a property of the state;

Art. 4. To co-operate with the United States survey provided by act of congress and investigate the possibilities of navigation upon the rivers or upon adjoining lands by canal, and to secure the aid of government experts when practicable in the several matters investigated by this commission;

Art. 5. The question of forests and their preservation and their culture in the state, and especially with reference to the influence of forests upon the flood conditions of the rivers and the erosion and waste of the soils;

Art. 6. It is the clear intent and purpose of this bill that the close interrelation of the several phases of river development shall be shown, and the necessity for a broad comprehensive treatment of our rivers shall be studied and reported upon;

Art. 7. The general question of the relation of the state to the preservation of the fertility of the Iowa soils;

Art. 8. The general question of the wise and conservative development and use of the mineral resources of the state, especially with reference to the mining of coals;

Art. 9. And the general question of the nature and condition of such lakes in Iowa as now belong to the state, the relation of lakes and streams to the preservation of such varieties of fish, birds, and native animals as are desirable, and the preservation of the peat beds which now belong to the state.

SEC. 3. **Organization—secretary—report.** It shall be the duty of this commission to meet and effect organization not later than July 1st, 1909, and to hold thereafter sessions as often as the necessities of the investigations herein contemplated shall require; to employ a secretary to perform the usual duties of such an officer; who shall have charge of all records and their preparation for publication and such other duties as the commission may direct. The commission shall prepare a complete report of all the investigations and recommendations of the commission and present the report to the governor of Iowa before the convening of the next general assembly at which time their term of service shall cease.

SEC. 4. **Commission to serve without pay—compensation of secretary—assistants.** The members of this commission shall serve without pay. By order of the commission the secretary of the commission shall receive a salary fixed by the commission not to exceed fifteen hundred dollars (\$1,500.00) per annum, to be paid in equal monthly installments. He may by consent of the commission employ assistants to be paid for labor and expense as ordered by the secretary who shall for each such assistant submit to the auditor of the state a duly acknowledged itemized account of expenses incurred and salary allowed, in the same manner as directed for members of the commission. Such expense shall be paid out of the appropriation made in section 5 of this act but not more than one thousand dollars (\$1,000.00) may be so expended in any one year.

SEC. 5. **Appropriation.** For the purposes of carrying into effect the provision of this act, there is hereby appropriated from funds in the state treasury, not otherwise appropriated, the sum of twenty-five hundred dollars (\$2,500.00) per annum.

SEC. 6. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the Register and Leader, and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 9, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital April 10, A. D. 1909, and in the Register and Leader April 12, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 250.

## ENCOURAGEMENT OF THE DAIRY INDUSTRY.

H. F. 207.

AN ACT to encourage the dairy industry of the state of Iowa, to aid in providing instruction in practical and scientific dairying and making an appropriation therefor.

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

**SECTION 1. Iowa state dairy association.** Whenever the organization now existing in the state of Iowa and known as the Iowa state dairy association shall have filed with the secretary of state of the state of Iowa verified proofs of its organization, the names of its president, vice-president, secretary and treasurer, and that it has one hundred (100) bona fide members, such association shall be recognized as the Iowa state dairy association of the state of Iowa, and be entitled to the benefits of this act.

**SEC. 2. Inspection—instruction.** For the purpose of aiding in the promotion and development of the dairy industry of the state of Iowa, such association shall cause to be made such inspection of dairy farms, dairy cattle, dairy barns and other buildings and appliances used in connection therewith, dairy products and methods as they shall deem best and shall arrange to furnish such instruction and general assistance, either by institutes or otherwise, as they may deem proper to advance the general interests of the dairy industry of the state.

**SEC. 3. Executive committee.** For all the purposes of this act the said association shall act by and through an executive committee of seven (7) members, consisting of the president, vice-president, secretary, and treasurer of the Iowa state dairy association, the dean of the Iowa state college of agriculture and mechanic arts, and the professor of dairying at the same institution, and the food and dairy commissioner of the state of Iowa.

**SEC. 4. Inspectors and instructors—compensation—expenses.** They may employ two or more competent persons who shall devote their entire time to such inspection and instruction under the direction of the said executive committee, and who shall hold office at the pleasure of the committee, and who shall each receive a salary of not to exceed fifteen hundred dollars (\$1,500.00) per annum, and actual expenses while engaged in such work.

**SEC. 5. Salaries and expenses—how paid.** The salaries of all persons employed under the provisions of this act shall be paid monthly out of the appropriation herein provided and all traveling expenses and all general expenses incurred by the association in carrying out the purposes of the act shall be paid out of the said appropriation and in the manner provided by sections 170-d, 170-e and 170-f of the supplement to the code, 1907, and upon statements filed with the executive council as therein provided; but no such bill shall be paid until after it shall have been audited and approved by the association in such manner as the executive committee shall provide.

**SEC. 6. Annual report to the governor.** The said association may require such reports from their employes as they shall deem proper, and shall make to the governor an annual report of their proceedings under this act, which report shall be published as a part of the proceedings of the annual convention of the Iowa state dairy association.

**SEC. 7. Appropriation.** For the purpose of carrying into effect the provisions of this act and the payment of all expenses connected therewith, there is hereby appropriated out of any funds in the treasury of the state, not otherwise appropriated, the sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary to pay the salaries and expenses of the employes appointed under the provisions of this act and the expenses incurred by the Iowa state dairy association in developing and promoting the dairy industry of the state as by this act provided.

**SEC. 8. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Capital, daily newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 13, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 251.

PEDESTAL FOR A MONUMENT TO BE ERECTED IN MEMORY OF WILLIAM B. ALLISON.

S. F. 154.

AN ACT to create a commission authorized to locate and erect a pedestal for a monument to the memory of the late William B. Allison and making an appropriation to defray the expense thereof.

Whereas, Certain patriotic citizens have undertaken to create by public subscription a fund to be expended in the erection of a monument at the city of Des Moines, Iowa, to the memory of the late Senator William B. Allison, and

WHEREAS, It is necessary to provide a pedestal for said monument and a site for the same, therefore

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

**SECTION 1. Commission—how constituted.** A commission of five persons, to consist of the chairman of the Allison monument committee, the governor of the state of Iowa, the curator of the historical collections, a member of the senate, to be named by the president of the senate, and a member of the house of representatives, to be named by the speaker of the house, is hereby created for the purpose of erecting a suitable pedestal upon which shall be placed a monument to the memory of the late William B. Allison.

**SEC. 2. Powers.** Said commission is hereby clothed with full authority to locate and erect upon the capitol grounds, or any extension thereof, a suitable pedestal to be used by the Allison monument committee in erecting thereon a monument to the memory of the late William B. Allison, and such commission shall have authority to do all things reasonable and necessary to the location and erection of said pedestal, and the design for said statue shall be approved by said commission; provided, however, that said commission shall not expend in the erection of said pedestal a sum in excess of thirty (30%) per cent. of the amount of the popular subscription made for the erection of said monument, and in no event shall said commission expend to exceed ten thousand (\$10,000) dollars.

**SEC. 3. To serve without compensation—expenses.** Said commission shall serve without compensation and shall be allowed only its actual expenses reasonably incurred while engaged in the discharge of its duties.

**SEC. 4. Appropriation—how drawn.** There is hereby appropriated from the funds in the state treasury not otherwise appropriated the sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary to defray the authorized expense of erecting said pedestal and of said commission. The auditor of state is authorized to draw warrants against said appropriation upon the certificate of said commission showing that the several sums have, in good faith, been expended in the erection of said pedestal or in paying the necessary expenses of said commission.

**SEC. 5. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved February 23, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital February 25, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 252.

### REMOVAL OF REMAINS OF EX-GOVERNOR ANSEL BRIGGS TO ANDREW, IOWA, AND ERECTION OF MONUMENT.

H. F. 1.

AN ACT to make an appropriation for the removal of the remains of ex-Governor Ansel Briggs from Omaha, Nebraska, to Andrew, Jackson county, Iowa, and for the erection of a monument in the cemetery at that place in commemoration of his memory.

WHEREAS, The remains of Ansel Briggs, a representative from Jackson county in the territorial legislature of Iowa, in 1842, and the first governor of Iowa, from 1846 to 1850, inclusive, now rest in a practically unmarked grave in a cemetery at Omaha, Nebraska, and,

WHEREAS, At a meeting of the Jackson county historical society held at Maquoketa, Iowa, on February 1st, 1907, a resolution was unanimously adopted memorializing this legislature to provide a fund to pay for the removal of the remains and the erection of a monument to the memory of the deceased, and

WHEREAS, The pioneer home of ex-Governor Briggs was in Andrew, Jackson county, Iowa, where he donated from his personal possessions the land upon which the cemetery is now located, to be used for such purpose and in which now rests the remains of his mother, a brother, a sister, two wives and two children, therefore

*Be it enacted by the General Assembly of the State of Iowa.*

**SECTION 1. Appropriation.** That there be and there is hereby appropriated out of any funds not otherwise appropriated the sum of one thousand dollars or so much thereof as may be necessary to provide and pay for the removal of the remains of ex-governor Ansel Briggs, from Omaha, Nebraska, to the cemetery at Andrew, Jackson county, Iowa, and the erection of a suitable monument in commemoration of his memory and valuable services to this state.

**SEC. 2. Removal of remains—purchase and erection of monument.** That the Jackson county historical society, incorporated under the laws of the state of Iowa is hereby authorized to provide for the removal of the remains and the purchase and erection of the monument herein provided for. The material to be used in construction shall be such as to render the monument durable and permanent, and it shall bear such brief and concise inscription as said historical society may deem most appropriate and also a statement of the fact that the monument is erected by the state of Iowa.

**SEC. 3. Voluntary contributions.** Said Jackson county historical society shall have authority to contribute or permit others to contribute to this fund a suitable amount to provide for the removal of the remains and the foundation of the monument, should it decide so to do, which shall be taken into consideration in estimating the material, size, and the cost of said monument,

provided, however, that, in no case shall the cost to the state of Iowa exceed the sum of one thousand dollars herein appropriated.

**SEC. 4. Auditor to draw warrant.** The auditor of state shall issue a warrant to the state treasurer payable to the said Jackson county historical society incorporated for such sum as shall be required for the purposes herein enumerated, not to exceed one thousand dollars, when the said society in charge shall file in the said office of auditor of state a statement showing that the remains have been removed from Omaha, Nebraska, and reinterred in the cemetery at Andrew, Jackson county, Iowa, and that said monument has been purchased and erected in accordance with the provisions of this act, which statement shall show a detailed account of the cost of said work.

Approved March 20, A. D. 1909.

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## CHAPTER 253.

### EXPENSES OF INAUGURAL CEREMONIES.

S. F. 136.

AN ACT making appropriation to defray the expenses of the inaugural ceremonies.

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

**SECTION 1. Amount appropriated—how drawn.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of four hundred forty & 25-100 (\$440.25) dollars, or so much thereof as may be necessary, to pay the expenses incurred on account of the inauguration ceremonies and reception. Warrants shall be drawn upon the treasury for the sum herein appropriated in favor of the adjutant general upon filing the vouchers therefor with the auditor of state.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 13, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

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## CHAPTER 254.

### EXPENSES OF THE LINCOLN PROGRAM.

H. F. 333.

AN ACT making an appropriation to defray the expenses of the Lincoln program.

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

**SECTION 1. Appropriation—how drawn.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty-two dollars and forty-seven cents (\$32.47), or so much thereof as may be necessary to pay the expenses incurred on account of the Lincoln Day Centennial program. Warrants shall be drawn upon the treasury for the sum herein appropriated in favor of the adjutant general, upon filing the vouchers therefor with the state auditor.



SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.  
Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 31, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 255.

### PURCHASE OF RAILROAD COMMISSIONERS' MAPS.

S. F. 44.

AN ACT making appropriation for the purchase of twenty thousand (20,000) copies of the railroad commissioners' official maps to be distributed by the members of the general assembly and railroad commissioners.

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

SECTION 1. **Number ordered—distribution.** The railroad commissioners are hereby instructed to procure twenty thousand (20,000) copies of the railroad commissioners official maps of Iowa, seventeen thousand (17,000) of said maps to be printed on heavy paper, mounted and with tape sides, and three thousand (3,000) of said maps to be folded and enclosed in suitable envelopes; seventy-five copies (75) of the mounted maps to be delivered on request to each member of the general assembly, and the remainder to be distributed under the direction of the railroad commissioners.

SEC. 2. **Appropriation.** There is hereby appropriated, out of moneys not otherwise appropriated, the sum of three thousand two hundred (\$3,200.00) dollars, or so much thereof as shall be necessary for the purpose herein stated.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Daily News, newspapers published at Des Moines, Iowa.

Approved March 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Daily News March 13, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 256.

### EXPENSES OF ELECTION CONTEST IN THE FOURTEENTH SENATORIAL DISTRICT.

S. F. 263.

AN ACT to make appropriations for the payment of expenses incurred under the special committee appointed in the contest of A. F. N. Hambleton, contestant, vs. John F. Ream, incumbent, and to make an appropriation therefor.

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

SECTION 1. **Appropriation—warrants—how drawn.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, an amount sufficient to pay the expenses in the election contest of Hambleton-Ream, as hereinafter specified, and the auditor of state shall draw warrants therefor, in favor of the parties entitled thereto.

**SEC. 2. Contestant's attorney fees and expenses.** To J. O. Malcolm and J. A. Devitt, as attorneys' fees for contestant, and actual expenses for railroad fare, and hotel bills the sum of one hundred thirty one and 8-100 (\$131.08) dollars.

**SEC. 3. Contestant's expenses.** To A. F. N. Hambleton for actual expenses for railroad fare, hotel bill, and expense transcript contest case from district court clerk of Van Buren county, forty 58-100 dollars (\$40.58).

**SEC. 4. Incumbent's attorney fees.** To Thomas A. Cheshire, S. V. Reynolds, and J. N. McCoy, for attorneys' fees for incumbent, in election contest case Hambleton-Ream, the sum of one hundred dollars (\$100.00).

**SEC. 5. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 257.

### EXPENSES OF ELECTION CONTESTS IN CERTAIN REPRESENTATIVE DISTRICTS.

H. F. 524.

AN ACT to appropriate money for the purpose of defraying the expenses incurred in the election contests from the tenth (10) representative district of Iowa, the twenty-sixth (26) representative district of Iowa, the forty-fifth (45) representative district of Iowa, the fifty-ninth (59) representative district of Iowa and the sixty-seventh (67) representative district of Iowa, and to pay sundry persons for services, mileage, and other expenses incurred in connection with said election contests.

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

**SECTION 1. Appropriation.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand three hundred forty-nine and sixty-one one hundredths dollars (\$1,349.61) in full of all attorney fees, costs, witness fees, mileage and other expenses incurred in the Davidson vs. Penn election contest from the tenth (10) representative district of Iowa; the Robb vs. Kendall election contest from the forty-fifth (45) representative district of Iowa; the Corrie vs. Baxter election contest from the fifty-ninth (59) representative district of Iowa and the Springer vs. Stoddard election contest from the sixty-seventh (67) representative district of Iowa, and that the said sum of money be paid to the persons named in the respective sums as set out in sections two, three, four, five and six of this act.

**SEC. 2. Davidson-Penn contest—amount appropriated—how paid.** That out of the sum of money appropriated under section one (1) of this act there shall be paid the sum of two hundred twenty-eight and seventy-five one hundredths dollars (\$228.75) in full of all attorneys' fees, costs, witness fees, mileage and other expenses incurred in the election contest from the tenth (10) representative district of Iowa; wherein W. F. Davidson was contestant and Hon. A. V. Penn the incumbent, and that the said sum of two hundred twenty-eight and seventy-five one hundredths (\$228.75) dollars, be paid to the following named persons and in the respective sums, to-wit:

|  |          |
|--|----------|
| To A. V. Penn, for attorney fees.....                                      | \$100.00 |
| To T. C. Harris, serving subpoenas.....                                    | 2.85     |
| To J. D. McKean, three days' witness fees, 200 miles.                      | 23.75    |
| To W. H. Norcutt, three days' witness fees, 200 miles...                   | 23.75    |
| To L. T. Webster, three days' witness fees, 200 miles..                    | 23.75    |
| To W. L. Van Eaton, Jr., three days' witness fees, 200 miles .....         | 23.75    |
| To G. C. Coleman, express, drayage, telephone, mileage, witness fees ..... | 30.90    |

**SEC. 3. Teter-Crozier contest—amount appropriated—how paid.** That out of the sum of money appropriated under section one (1) of this act there shall be paid the sum of one hundred ninety-five and forty-one hundredths (\$195.40) dollars in full of all attorney fees, costs, witness fees, mileage and other expenses incurred in the election contest from the twenty-sixth (26) representative district of Iowa, wherein Lorenzo D. Teter was contestant, and Hon. Geo. W. Crozier incumbent, and that the said sum of one hundred ninety-five and forty-one hundredths (195.40) dollars be paid to the following named persons and in the respective sums, to-wit:

|  |          |
|--|----------|
| To Geo. W. Crozier, for attorney fees.....                     | \$100.00 |
| To J. B. Lyman, one day witness fees, 49 miles.....            | 6.15     |
| To Henry Stephens, one day witness fees, 49 miles.....         | 6.15     |
| To John Caulkins, one day witness fees, 45 miles.....          | 5.75     |
| To Osa Butcher, one day witness fees, 25 miles.....            | 3.75     |
| To Mrs. Genevra Woodward, one day witness fees, 20 miles ..... | 3.25     |
| To Harry Woodward, one day witness fees, 20 miles...           | 3.25     |
| To L. B. Gullion, one day witness fees, 61 miles.....          | 7.35     |
| To J. B. Gullion, one day witness fees, 61 miles.....          | 7.35     |
| To Walter Bane, one day witness fees, 35 miles.....            | 4.75     |
| To Don Smith, one day's witness fees.....                      | \$4.75   |
| To Don Smith, expense bringing ballots... ..                   | 32.95    |
| To C. W. Hackler, telegram.....                                | .25      |
| To W. J. Wilson, serving subpoenas .....                       | 9.70     |

**SEC. 4. Robb-Kendall contest—amount appropriated—how paid.** That out of the sum of money appropriated under section one (1) of this act there shall be paid the sum of two hundred ninety-four and eight one hundredths (\$294.08) dollars in full for all attorney fees, costs, witness fees, mileage and other expenses incurred in the election contest from the forty-fifth (45) representative district of Iowa, wherein Sidney D. Robb was contestant, and Hon. Albert W. Kendall incumbent, and that the said sum of two hundred ninety-four and eight one-hundredths (\$294.08) dollars be paid to the following named persons in the respective sums, to-wit:

|   |          |
|---|----------|
| To Albert W. Kendall, attorney fees.....  | \$100.00 |
| To J. E. Ryan, two days' witness fees, 225 miles.....                                   | 25.00    |
| To W. T. Oaks, two days' witness fees, 225 miles.....                                   | 25.00    |
| To F. G. Hanson, two days' witness fees, 225 miles.....                                 | 25.00    |
| To R. C. Langan, two days' witness fees, 225 miles.....                                 | 25.00    |
| To Chas. Nordhorst, two days' witness fees, 185 miles...                                | 21.00    |
| To Frank W. Leedham, expense of transfer of ballots and two tickets for assistants..... | \$18.00  |
| Two days' board for assistants.....   | 6.00     |
| Two assistants, two days, per day \$2.....  | 8.00     |
| Drayage and miscellaneous .....   | 1.80     |
| Expenses in Des Moines.....   | 10.50    |
| One railroad ticket, Clinton to Des Moines and return .....                             | 22.50    |
| Return freight on ballots .....   | 6.28     |
|   | 73.08    |

**SEC. 5. Corrie-Baxter contest—amount appropriated—how paid.** That out of the sum of money appropriated under section one (1) of this act there shall be paid the sum of three hundred forty-one and forty one-hundredths (\$341.40) dollars in full of all attorney fees, costs, witness fees, mileage, and other expenses incurred in the election contest from the fifty-ninth (59) representative district of Iowa, wherein Hon. Samuel M. Corrie was contestant, and Robinson Baxter incumbent, that the said sum of three hundred forty-one and forty one-hundredths (\$341.40) dollars be paid to the following named persons and in the respective sums, to-wit:

|   |          |          |
|---|----------|----------|
| To Samuel M. Corrie, for attorney fees .....                          | \$100.00 |          |
| For serving notices.....  | 2.00     | \$102.00 |
| To Robinson Baxter, for attorney fees.....                            |          | 100.00   |
| To Richard Varner, for mileage, service, and express on ballots ..... |          | 55.90    |
| To C. W. Hoyer, four days' witness fees, 159 miles.....               |          | 20.90    |
| To H. W. Cheney, four days' witness fees, 159 miles.....              |          | 20.90    |
| To Floyd Percival, four days' witness fees, 159 miles...              |          | 20.90    |
| To Paul E. Stillman, telephone message.....                           |          | .80      |
| To Geo. C. Hubbard, three days' witness fees, 159 miles.              |          | 19.65    |
| To P. C. Van Wagner, constable fees.....                              |          | .35      |

**SEC. 6. Springer-Stoddard contest—amount appropriated—how paid.** That out of the sum of money appropriated under section one (1) of this act there shall be paid the sum of two hundred eighty-nine and ninety-eight one-hundredths (\$289.98) dollars in full of all attorney fees, costs, witness fees, mileage, and other expenses incurred in the election contest from the sixty-seventh (67) representative district of Iowa, wherein L. F. Springer was contestant and Hon. L. B. Stoddard incumbent, and that the said sum of two hundred eighty-nine and ninety-eight one-hundredths (\$289.98) dollars be paid to the following named persons and in the respective sums, to-wit:

|  |          |          |
|--|----------|----------|
| To L. B. Stoddard, for attorney fees.....                  | \$100.00 |          |
| For serving subpoenas .....                                | 5.10     | \$105.10 |
| To W. C. Ballou, two days' witness fees, 129 miles.....    |          | 15.40    |
| To A. M. Doman, two days' witness fees, 129 miles.....     |          | 15.40    |
| To W. C. Kinney, two days' witness fees, 129 miles.....    |          | 15.40    |
| To M. B. Griffity, two days' witness fees, 129 miles....   |          | 15.40    |
| To Lillie E. Seener, two days' witness fees, 129 miles.... |          | 15.40    |
| To Patrick McCortin, three days' witness fees, 129 miles   |          | 16.65    |
| To L. W. Goen, two days' witness fees, 129 miles.....      |          | 15.40    |
| To Chas. E. Foster, three days' witness fees, 129 miles... |          | 16.65    |
| To Mrs. Alice Hayes, three days' witness fees, 129 miles   |          | 16.65    |
| To C. E. Hayes, six days' witness fees, 129 miles          | \$23.30  |          |
| To C. E. Hayes, expense of transferring ballots            | 18.48    | 41.78    |
| To F. C. Davidson, telephone to Senator Ball.....          |          | .75      |

**SEC. 7. Warrants—how drawn.** That the state auditor is hereby authorized and directed to draw his warrants upon the state treasury in favor of the persons named in sections two, three, four, five and six, of this act in the respective sums herein appropriated to each.

**SEC. 8. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and in the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 258.

## MAINTENANCE OF OKOBOJI DAM.

S. F. 161.

AN ACT to amend chapter one hundred twenty (120) of the laws of the twenty-sixth general assembly (26th G. A.) by making it the duty of Dickinson county to maintain the dam in said act provided for, and granting an appropriation of one thousand dollars (\$1,000.00) to aid therein.

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

**SECTION 1. May be re-located.** That chapter one hundred and twenty (120) of the laws of the twenty-sixth general assembly (26th G. A.) be amended as follows:

The fact that under authority of said act a dam has been already or may hereafter be located at any of the places designated in said act shall not be construed to prevent re-location at any time at any other place or places therein designated.

**SEC. 2. Dickinson county to construct and operate dam.** Authority is hereby granted and it is hereby made the duty of Dickinson county, Iowa, out of its general fund and the appropriation by this act granted, to construct and hereafter maintain said dam and authority is vested in said county to so construct and operate said dam as to maintain the water in said lakes at a proper level.

**SEC. 3. Amount appropriated.** To assist Dickinson county in constructing and maintaining said dam, there is hereby appropriated out of any funds not otherwise appropriated the sum of one thousand dollars (\$1,000) such sum to be paid to the treasurer of said county to be kept in a fund to be known as the "Okoboji dam fund", and used only for the purpose herein indicated.

**SEC. 4. Letting of work—gifts.** The board of supervisors of said county may let the contract to construct, repair or re-construct said dam to the lowest bidder, or by private contract, or may by itself or through an agent by it designated, so construct, repair, or re-construct said dam, and may accept gifts to aid therein.

**SEC. 5. State may resume power and control.** Nothing herein shall be construed to prevent the state at any time resuming in full or in part its former power and control over said dam or of any dam hereafter constructed.

**SEC. 6. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Spirit Lake Beacon, a newspaper published at Spirit Lake, Iowa.

Approved April 14, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 16, A. D. 1909, and in the Spirit Lake Beacon April 23, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 259.

## CONSTRUCTION OF DAM ACROSS THE IOWA RIVER IN MARSHALLTOWN.

S. F. 145.

AN ACT authorizing the state of Iowa to co-operate with the city of Marshalltown, in constructing a permanent dam across the Iowa river, providing for the maintenance thereof and making an appropriation therefor.

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

**SECTION 1. Appropriation—conditions.** That there be and is hereby appropriated, out of the money in the state treasury, not otherwise appropriated,

the sum of four thousand (\$4,000.00) dollars, to aid the city of Marshalltown to construct a permanent dam across the Iowa river, at the established height of six and one-half (6½) feet, or, twenty-three and one-half (23½) feet above the city datum plain, in such manner as to maintain a water level in said river where it touches land owned by the state for the use of the soldiers' home, for the purpose of furnishing ample facilities for boating, fishing, and the formation of ice for the use of said home. The money hereby appropriated shall be paid out only on the approval of the board of control of state institutions. The acceptance by said city of the money hereby appropriated or any part thereof, in the construction and completion of said permanent dam, shall have the effect and force of an undertaking by said city to complete and maintain said dam in a substantial and permanent manner, so long as the state of Iowa shall own the premises, or any part thereof, now occupied by the soldiers' home, and to confirm in the state of Iowa the right to prevent the destruction of said dam or the sale thereof or of any land necessary for its maintenance, and to require said city to maintain said dam.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 2, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 3, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 260.

### FARMERS' INSTITUTE OF POCAHONTAS COUNTY.

S. F. 410.

AN ACT making an appropriation for the farmers' institute of Pocahontas county, Iowa, under the provisions of section sixteen hundred seventy-five (1675) of the supplement to the code, 1907.

WHEREAS, The farmers institute of Pocahontas county, Iowa, was duly organized on the ninth day of February, 1904, and in all respects complied with the provisions of section sixteen hundred seventy-five (1675) of the code and section sixteen hundred seventy-five (1675) of the supplement to the code, 1907, necessary to be complied with to entitle them to the seventy-five dollars (\$75.00) aid mentioned therein except that the said institute failed to file the sworn statement necessary to be filed to entitle them to such aid prior to July 1st, 1907, and

WHEREAS, The auditor of state, acting upon the advice of the attorney general, has held that said sum cannot be paid to said institute because of the failure to file said sworn statement prior to July 1st, 1907, therefore:

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

**SECTION 1. Amount appropriated.** That there is hereby appropriated out of any money now in the state treasury not otherwise appropriated the sum of seventy-five dollars (\$75.00) as aid to the farmers institute of Pocahontas county, Iowa, for the year 1907.

Approved April 13, A. D. 1909.

## CHAPTER 261.

## WILLIAMSBURG FAIR ASSOCIATION.

S. F. 432.

AN ACT appropriating two hundred (\$200) dollars to the Williamsburg fair association under the provisions of section one thousand six hundred sixty-one-a (1661-a) of the supplement to the code, 1907.

WHEREAS, The Williamsburg fair association of Iowa county, paid out in premiums, during the year 1908, an amount in excess of five hundred (\$500) dollars, and

WHEREAS, The officers of said association, laboring under a misapprehension that attorney general Remley had held, in an opinion, that a "jigle board" was not a gambling device, permitted the operation of a "jigle board" during the holding of its fair, and,

WHEREAS, Under the provisions of section one thousand six hundred sixty-one-a (1661-a) of the supplement to the code, 1907, the auditor of state refused to issue his warrant upon the state treasury for the sum of two hundred (\$200) dollars because of the operation of the said "jigle board", and,

WHEREAS, The said officers have made affidavit that they were acting in good faith, and without the slightest belief that the use of the "jigle board" was gambling; therefore

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

**SECTION 1. Appropriation.** That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred (\$200) dollars for the use of the Williamsburg fair association the amount to which it would be entitled under the provisions of section one thousand six hundred sixty-one-a (1661-a) of the supplement to the code, 1907.

**SEC. 2. Warrant—how drawn.** The auditor of state of the state of Iowa is hereby authorized to draw his warrant upon the state treasurer in favor of the Williamsburg fair association for the sum of two hundred (\$200) dollars.

Approved April 15, A. D. 1909.

## CHAPTER 262.

## TO INDEMNIFY JOHN JONES.

S. F. 258.

AN ACT making an appropriation for John Jones on account of injuries received by him at the state hospital for insane persons at Clarinda, Iowa.

WHEREAS, On or about the 1st day of January, A. D. 1908, John Jones, while in charge of the help in the coal shed of the state hospital for insane persons at Clarinda, Iowa, received serious and permanent injuries including the loss of his right eye by an assault made on him by an insane patient with a shovel, therefore,

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

**SECTION 1. Amount appropriated.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand (\$1,000.00) dollars, to be paid to said John Jones as full compensation on the part of the state for the injuries received by him as aforesaid.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 15, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 263.

### TO INDEMNIFY MAMIE McMAHAN.

S. F. 327.

AN ACT to indemnify Mamie McMahan for personal injury sustained by her while employed as nurse at Mount Pleasant state hospital, Mount Pleasant, Iowa.

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

**SECTION 1. Amount appropriated.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three hundred (\$300.00) dollars for the payment in full for damages sustained by Mamie McMahan, arising from injuries sustained by her while engaged in working for the state as nurse at the Mt. Pleasant state hospital, Mt. Pleasant, Iowa.

Approved April 12, A. D. 1909.

## CHAPTER 264.

### TO INDEMNIFY THOMAS H. RATTENBURY.

S. F. 167.

AN ACT making an appropriation for Thomas H. Rattenbury on account of injuries received by him at the state sanatorium for the treatment of tuberculosis.

WHEREAS, On the 18th day of January, A. D. 1908, Thomas H. Rattenbury, while moving a heavy piece of machinery at the power plant of the state sanatorium for the treatment of tuberculosis, broke through the cover of a heat well on which he had stepped and received serious and permanent injuries in the scalding of one leg by the hot water in said well, now therefore,

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

**SECTION 1. Appropriation.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand two hundred fifty dollars (\$1,250) to be paid to said Thomas H. Rattenbury as full compensation on the part of the state for the injuries received by him as aforesaid.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 27, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.



## CHAPTER 265.

## TO COMPENSATE N. W. WILLIAMS.

S. F. 191.

AN ACT appropriating the sum of two hundred nine dollars and twelve cents (\$209.12) for the relief of N. W. Williams on account of work done for the state for which he has not been paid.

WHEREAS, A contract was made by the board of trustees of the Iowa school for the deaf, at Council Bluffs, Iowa, on or about the twenty-first day of May, 1896, for the construction of a cistern at the Iowa school for the deaf, the contract price therefor being the sum of five hundred thirty-nine dollars (\$539.00); and

WHEREAS, The said cistern was not accepted by the trustees of said institution; and

WHEREAS, In the year 1907, the said cistern was repaired by the state of Iowa at an expense of three hundred twenty-nine dollars and eighty-two cents (\$329.82) and the said N. W. Williams has not been paid any sum whatever upon said contract; and

WHEREAS, The state of Iowa has been a beneficiary by reason of the services and labor performed and material furnished by the said N. W. Williams in the sum of two hundred nine dollars and twelve cents (\$209.12); therefore, *Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Amount appropriated—auditor to issue warrant.** That there is hereby appropriated out of the funds in the state treasury not otherwise appropriated the sum of two hundred nine dollars and twelve cents (\$209.12) for the purpose of paying N. W. Williams in full for the labor performed and materials furnished in the construction of a cistern upon the grounds of the Iowa school for the deaf, at Council Bluffs, Iowa, during the year 1896. The auditor of state is hereby directed to issue to the said N. W. Williams a warrant for said sum, which shall be in full settlement of all claims that the said N. W. Williams may have or claim to have against the state of Iowa on account of the construction of said cistern.

Approved April 8, A. D. 1909.

## SPECIAL ACTS

### CHAPTER 266.

#### PRESERVATION AND IMPROVEMENT OF MEDIUM LAKE.

H. F. 7.

AN ACT for the preservation and improvement of Medium Lake and the islands therein and placing the same within the jurisdiction of the city of Emmetsburg.

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

**SECTION 1. Reserved for park purposes.** That Medium Lake in Palo Alto county, Iowa, and the islands therein belonging to the state, or that shall be formed under this act, are hereby reserved from sale or other disposition and dedicated and set apart to the use of the people of the state for public parks and recreation grounds.

**SEC. 2. Jurisdiction.** The jurisdiction of the city of Emmetsburg is hereby extended so as to include the public waters and public lands within said Medium lake with the like force and effect as if the same were a part of the streets, public grounds and parks of said city, subject to the limitation in this act contained.

**SEC. 3. Improvements authorized.** Said city of Emmetsburg is hereby authorized and empowered to provide for the deepening, dredging, improving and beautifying of said Medium lake and public lands therein, and of such portions thereof as it shall determine, and for the formation of additional islands or of new land along the shore for the disposition of the material dredged from the lake and to make such alterations in the shore lines of said lake as may be necessary to accomplish the improvements hereby authorized, subject always to the riparian rights of private owners. But said city may authorize the riparian owners to make such necessary alterations and additions at their own expense. Said city is further authorized to lay out, establish, and improve streets, parks and boulevards along the shores of said lake or upon such new land. Said city is further authorized and empowered to provide for the stocking of said lake with fish and for the propagation and preservation thereof. Nothing herein contained shall be construed as excepting said lake from the operation of the general fish and game laws of the state.

**SEC. 4. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Palo Alto Reporter, Emmetsburg Democrat and Palo Alto Tribune, newspapers published at Emmetsburg, Iowa, without expense to the state.

Approved February 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader February 15, A. D. 1909, in the Emmetsburg Democrat February 17, A. D. 1909, in the Palo Alto Reporter February 18, A. D. 1909, and in the Palo Alto Tribune March 17, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 267.

## RELINQUISHMENT OF CERTAIN ABANDONED RIVER CHANNEL TO THE CITY OF DUBUQUE.

S. F. 305.

AN ACT to grant and relinquish to the city of Dubuque, Iowa, the title of the state of Iowa in or to a portion of the abandoned river bed of the Mississippi river, being land of the character described in section (1) one of chapter two hundred and twelve (212) of the acts of the thirty-first general assembly, lying within the limits of said city and in sections twenty-five (25) and thirty-six (36), township eighty-nine (89) north, range two (2) east of the fifth principal meridian and authorizing and directing the governor and the secretary of state to issue a patent therefor.

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

**SECTION 1. Title relinquished and granted.** That there shall be and there is hereby granted and relinquished unto the city of Dubuque, Iowa, all the title and interest of the state of Iowa, which said state has or claims in or to that part of the abandoned river bed of the Mississippi river, lying within the limits of the city of Dubuque and situated in sections twenty-five (25) and thirty-six (36), township eighty-nine (89) north, range two (2) east of the fifth principal meridian, bounded by meander lines of original government survey, more particularly described as follows:

Beginning at post eleven (11) which is a point on the north and south section line between section thirty-six (36), township eighty-nine (89) north, range two (2) east, and section thirty-one (31), township eighty-nine (89) north, range three (3) east,  
 thence N 11 degrees west, 3.50 chains,  
 thence N 28 degrees west, 5.00 chains,  
 thence N 45 degrees west, 5.00 chains,  
 thence N 54 degrees west, 3.50 chains,  
 thence N 23 degrees west, 3.68 chains, to post ten (10) which is a point on the east and west section line between sections twenty-five (25) and thirty-six (36), township eighty-nine (89) north, range two (2) east, thence due north 2.50 chains,  
 thence N 13 degrees west, 3.00 chains,  
 thence N 22 degrees west, 4.50 chains,  
 thence N 30 degrees east, 5.30 chains,  
 thence N 12 degrees east, 5.75 chains,  
 thence N 7½ degrees east,—chains, to post nine (9) which is a point on the southern boundary of original survey of Dubuque; this meander line representing the western boundary of the abandoned area herein described.

Beginning at post twelve (12), which is a point on the north and south section line, between section thirty-six (36), township eighty-nine (89) north, range two (2) east, and section thirty-one (31), township eighty-nine (89) north, range three (3) east, and 5.26 chains due south of the northern boundary of said section thirty-six (36),  
 thence N 88 degrees west, 1.60 chains,  
 thence N 8 degrees west, 3.00 chains,  
 thence due north, 2.40 chains, to post thirteen (13), which is a point on the east and west section line, between sections twenty-five (25) and thirty-six (36); township eighty-nine (89) north, range two (2) east, 2.02 chains west of the intersection of sections twenty-five (25) and thirty-six (36), township eighty-nine (89) north, range two (2) east, and sections thirty (30) and thirty-one (31), township eighty-nine (89) north, range three (3) east,  
 thence due north 9.70 chains,  
 thence N 5 degrees east, 15.00 chains,

thence N 11 degrees east, 6.50 chains, to post fourteen (14) which is a point in the north and south section line between section twenty-five (25), township eighty-nine (89) north, range two (2) east, and section thirty (30), township eighty-nine (89) north, range three (3) east; this meander line representing the eastern boundary of the abandoned area herein described; this area containing in all 33 and  $\frac{1}{4}$  acres, more or less.

**SEC. 2. Patent.** The governor and the secretary of state of the state of Iowa are hereby authorized and directed to issue to said city of Dubuque a patent for the tract of land described in section one of this act and deliver the same to the mayor of the said city of Dubuque to be recorded in the recorder's office of Dubuque county.

Approved April 9, A. D. 1909.

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## CHAPTER 268.

### ABANDONED RIVER CHANNEL WITHIN CORPORATE LIMITS OF OTTUMWA, IOWA.

S. F. 25.

AN ACT repealing chapter two hundred forty (240) of the act of the thirty-second (32) general assembly relating to the sale of abandoned channel of the Des Moines river within the corporate limits of the city of Ottumwa, Iowa.

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

**SECTION 1. Repeal.** That chapter two hundred forty (240) of the acts of the thirty-second (32) general assembly be repealed.

**SEC. 2. Pending litigation.** Nothing in this act shall be construed to affect pending litigation.

Approved February 2, 1909.

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## CHAPTER 269.

### RIGHT OF WAY OVER GROUNDS OF IOWA SCHOOL FOR THE DEAF.

S. F. 153.

AN ACT granting to the Omaha, Council Bluffs & Suburban Railway Company a right of way over and across the lands of the Iowa school for the deaf, located near Council Bluffs, Iowa.

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

**SECTION 1. Right of way granted.** A right of way is hereby granted to the Omaha, Council Bluffs & Suburban Railway Company over and across the lands of the Iowa school for the deaf, located near the city of Council Bluffs, Iowa, subject to the conditions of this act as hereinafter provided.

**SEC. 2. Terms and conditions.** No rights conferred by this act shall vest in said railway company until it shall have filed with the executive council a plat or diagram showing the location of said line across its premises and a description of said right of way and until it shall have secured from such executive council an approval of the location made by said railway company. After the approval of such location, the said executive council shall issue to said railway a certificate which shall be its authority to enter upon, construct, and operate a railway line upon said premises.

SEC. 3. **Same.** Said certificate shall not issue, however, until said railway company shall file with the executive council its agreement in writing binding the said railway company, its successors and assigns to construct, operate, and maintain a side track extending to the heating plant of the said Iowa school for the deaf as the same now is or may hereafter be located; such agreement shall also require said railway company, its successors and assigns to erect and maintain a station suitable in character, size, and design, at such place upon said right of way as said executive council may determine. The poles upon said right of way shall be of ornamental design and, in the event that said railway shall be extended beyond said grounds in any direction other than toward the city of Council Bluffs, the poles erected on the right of way through the state grounds shall be of iron or steel and painted so as to present a neat and ornamental appearance.

SEC. 4. **Easement.** The provisions of this act shall only operate to create an easement in said right of way and shall not convey a fee.

SEC. 5. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 27, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 270.

### RELIEF OF THE GRANTEES OF JOEL BRADSHAW.

S. F. 182.

AN ACT for the relief of the grantees of Joel Bradshaw, and for the purpose of having a patent issued in the name of W. F. Werner for a certain tract of land.

WHEREAS, In pursuance to a certificate of purchase issued by the school fund commissioners of Jefferson county, Iowa, to Joel J. Bradshaw, the state of Iowa issued a patent to the said Joel J. Bradshaw for the following described land, to-wit: part of lot No. one (1) twelve rods of the south end north and south and eighty rods east and west of the northeast quarter of the northeast quarter of the northeast quarter of section No. sixteen (16) in township No. seventy-one (71) north of range No. nine (9) west of the 5th P. M., in Jefferson county, Iowa, containing six (6) acres, and

WHEREAS, Joel J. Bradshaw, on the . . . . day of . . . . 1851, gave to Bluford Davis a warranty deed to six (6) acres off of the south side of the northeast quarter of the northeast quarter of section (16) in township seventy-one north of range No. nine (9) west, in Jefferson county, Iowa, and,

WHEREAS, Bluford Davis and wife, on October 8, 1851, gave to John Dennis a warranty deed, conveying six (6) acres off of the south side of the northeast quarter of the northeast quarter of section sixteen (16) in township seventy-one (71) north of range No. nine (9) west, in Jefferson county, Iowa, and

WHEREAS, John Dennis, on December 27, 1852, conveyed by warranty deed to Francis Oriez, six (6) acres off the south side of the northeast quarter of the northeast quarter of section sixteen (16) in township seventy-one north of range nine (9) west, in Jefferson county, Iowa, and,

WHEREAS, Francis Oriez died on the . . . . day of November, 1886, and

WHEREAS, The real estate of Francis Oriez, including the land last above described, was partitioned by the district court of Jefferson county, Iowa, and the said land was, by George L. Dana, Frank Light, and James Speer, referees appointed by said court, conveyed to W. F. Werner by referees' deed on the 4th day of March, 1908, and

WHEREAS, It appears that the certificate of purchase issued by the school fund commissioners of Jefferson county, Iowa, to Joel J. Bradshaw for part of lot No. one (1) twelve rods of the south end north and south and eighty rods east and west of the northeast quarter of the northeast quarter of the northeast quarter of section No. sixteen (16) in township No. seventy-one (71) north of range No. nine (9) west of the 5th P. M., in Jefferson county, Iowa, containing six (6) acres, was an error and the description should have been part of lot No. one (1) in section sixteen (16) in township No. seventy-one (71) north of range No. nine (9) west of the 5th P. M., Jefferson county, Iowa, described by metes and bounds as follows: Commencing at the southeast corner of the northeast quarter of the northeast quarter of said section sixteen (16) running thence west along the south line of said northeast quarter of the northeast quarter of said section to the southwest corner of the same; thence north twelve (12) rods, thence east on a line parallel with the south line of said northeast quarter of the northeast quarter of said section to the point where the said line intersects the east line of the said northeast quarter of the northeast quarter of said section; thence south to the point of beginning, containing six (6) acres, and,

WHEREAS, Francis Oriez was in peaceable adverse possession by virtue of the above deed to said land, last above described, from December 27, 1852, until his death, and his legal representatives from his death until said conveyance under partition, and

WHEREAS, The legal representatives of Francis Oriez, deceased, have partitioned said land, last above described, and the said referees have conveyed said land by referees' deed to W. F. Werner, who is now the owner of said real estate, and,

WHEREAS, By reason of the mistake the title to said part of lot one (1) in section sixteen (16) in township number seventy-one (71) north of range number nine (9) west of the 5th P. M., Jefferson county, Iowa, described by metes and bounds as follows: Commencing at the southeast corner of the northeast quarter of the northeast quarter of said section sixteen (16) running thence west along the south line of said northeast quarter of the northeast quarter of said section to the southwest corner of the same; thence north twelve (12) rods; thence east on a line parallel with the south line of said northeast quarter of the northeast quarter of said section to the point where the said line intersects the east line of the said northeast quarter of the northeast quarter of said section; thence south to the place of beginning, containing six (6) acres.

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

SECTION 1. **Patent.** That the governor of the state of Iowa and the secretary of state are hereby authorized and directed to issue to the said W. F. Werner a patent, in the usual form, to part of lot one (1) in section number sixteen (16) in township number seventy-one (71) north of range number nine (9) west of the 5th P. M., Jefferson county, Iowa, described by metes and bounds as follows: Commencing at the southeast corner of the northeast quarter of the northeast quarter of said section sixteen (16) running thence west along the south line of said northeast quarter of the northeast quarter of said section to the southwest corner of the same; thence north twelve (12) rods; thence east on a line parallel with the south line of said northeast quarter of the northeast quarter of said section to the point where the said

line intersects the east line of the said northeast quarter of the northeast quarter of said section; thence south to the point of beginning, containing six (6) acres; and deliver the same to the said W. F. Werner.

Approved March 19, A. D. 1909.

## CHAPTER 271.

### CONVEYANCE OF CERTAIN LAND TO O. J. FELTON.

S. F. 98.

AN ACT authorizing the governor of the state of Iowa to issue patent attested by the secretary of state to certain land to and in favor of O. J. Felton, being the property situated in Linn county, Iowa, described as follows, to-wit: The south-west quarter (s. w.  $\frac{1}{4}$ ) of the north-west quarter (n. w.  $\frac{1}{4}$ ) and the south-east quarter (s. e.  $\frac{1}{4}$ ) of the south-west quarter (s. w.  $\frac{1}{4}$ ) of section sixteen (16), township eighty-five (85) north, range five (5) west of the 5th P. M.

WHEREAS, The south-west quarter (s.w. $\frac{1}{4}$ ) of the north-west quarter (n.w.  $\frac{1}{4}$ ) and the south-east quarter (s.e. $\frac{1}{4}$ ) of the south-west quarter (s.w. $\frac{1}{4}$ ) of section sixteen, township eighty-five (85) north, range five (5), west of the 5th P. M., was of date August 7th, 1850, by an act of congress conveyed to the state of Iowa for state school purposes, and:

WHEREAS, The state of Iowa has never parted with title to the said premises or any part thereof but the legal title is now and at all times was since August 7th, 1850, vested in the state of Iowa, and:

WHEREAS, The said premises was of date November 30th, 1863, by the treasurer of Linn county, Iowa, by tax title deed conveyed to R. P. Kingman, and:

WHEREAS, Of date October 3rd, 1864, the treasurer of Linn county, Iowa, by tax title deed conveyed the same land in subsequent conveyance to R. P. Kingman, and:

WHEREAS, Of date October 19th, 1869, the treasurer of Linn county, Iowa, by tax title deed conveyed the same land in subsequent conveyance to R. P. Kingman, and:

WHEREAS, The usual and assessed taxes were at times paid upon said premises, before the tax sales herein referred to, and:

WHEREAS, Of date February 4th, 1882, R. P. Kingman and wife conveyed the south-west quarter (s.w. $\frac{1}{4}$ ) of the north-west quarter (n.w. $\frac{1}{4}$ ) of said section sixteen (16), township eighty-five (85), range five (5), west of the 5th P. M., to William Shoemaker by quit claim deed, and:

WHEREAS, Of date April 5th, 1882, William Shoemaker and wife by special warranty deed conveyed the said south-west quarter (s.w. $\frac{1}{4}$ ) of the north-west quarter (n.w. $\frac{1}{4}$ ) of said section sixteen to Thomas Kula, and:

WHEREAS, Of date December 22nd, 1864, R. P. Kingman and wife by warranty deed conveyed the south-east quarter (s.e. $\frac{1}{4}$ ) of the south-west quarter (s.w. $\frac{1}{4}$ ) of said section sixteen, township eighty-five, range five west of the 5th P. M., to E. A. Warner, and:

WHEREAS, Of date December 16th, 1872, by warranty deed, E. A. Warner and wife conveyed the said south-east quarter (s.e. $\frac{1}{4}$ ) of the south-west quarter (s.w. $\frac{1}{4}$ ) of said section sixteen to Mathew M. Cline, and:

WHEREAS, Of date June 16th, 1879, by quit claim deed Elizabeth Isbel, widow, and Calina M. Isbel, heirs at law of the late Norman W. Isbel, deceased, conveyed the south-east quarter (s.e. $\frac{1}{4}$ ) of the south-west quarter (s.w. $\frac{1}{4}$ ) of said section sixteen to E. A. Warner, and:

WHEREAS, Of date June 19th, 1879, by quit claim deed Nelson G. Isbel and wife, George A. Isbel, heirs at law of the late Norman W. Isbel, deceased, conveyed the said south-east quarter (s.e.¼) of the south-west quarter (s.w.¼) of said section sixteen, township eighty-five north, range five west of the 5th P. M. to E. A. Warner, and:

WHEREAS, Of date January 2nd, 1882, by warranty deed, Mathew M. Cline and wife conveyed the said south-east quarter (s.e.¼) of the south-west quarter (s.w.¼) of section sixteen to Thomas Kula, and:

WHEREAS, Of date October 8th, 1900, by warranty deed, Thomas Kula and wife conveyed the south-east quarter (s.e.¼) of the south-west quarter (s.w.¼) of the north-west quarter (n.w.¼) of said section sixteen to Oliver J. Felton, and:

WHEREAS, The said O. J. Felton and his grantors aforesaid has been in actual possession and occupancy of the said premises for a period of more than fifty years last past, improved the same, paid taxes thereon, claimed the same as their own and in every respect were the absolute and unqualified owners thereof subject only to the rights, title and interest which the state of Iowa has therein, and:

WHEREAS, The premises aforesaid and the lands adjoining to said premises were appraised at the value of one dollar and twenty-five cents (\$1.25) per acre at or about the time when the said R. P. Kingman obtained tax title deeds as aforesaid and that lands adjoining the said premises were purchased from the state of Iowa in kind and character at the rate of one dollar and twenty-five cents (\$1.25) per acre at or about the time when the said R. P. Kingman obtained tax title deeds to the lands as herein described, therefore:

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

**SECTION 1. Patent—pending litigation.** That upon the payment of one dollar and twenty-five cents (\$1.25) per acre by the said O. J. Felton to the secretary of state of the state of Iowa for the use and benefit of the school funds as by law provided, the governor of the state of Iowa, be and he is hereby empowered and authorized to execute a patent, attested by the secretary of state to and in favor of the said O. J. Felton, constituting an instrument of conveyance covering the south-west quarter of the north-west quarter, and the south-east quarter of the south-west quarter of section sixteen, township eighty-five, north, range five west of the 5th P. M., which shall constitute an absolute conveyance of all rights, title and interest of which the state of Iowa may have in and to said premises or any part thereof. Provided, however, that this shall not affect pending litigation.

Approved March 25, A. D. 1909.



## LEGALIZING ACTS

### CHAPTER 272.

#### CERTAIN NOTICES OF INCORPORATION.

S. F. 395.

AN ACT to legalize certain notices of incorporation.

WHEREAS, In certain instances the incorporators of corporations for pecuniary profit have omitted to publish notice of incorporation within three months from the date of the certificate of incorporation issued by the secretary of state, but have published such notice thereafter, and

WHEREAS, Doubt may have arisen as to the validity of such notices and publications. Now, therefore,

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

**SECTION 1. Certain notices of incorporation legalized.** That in all instances where the incorporators of corporations for pecuniary profit have omitted to publish notice of incorporation within three months from the date of the certificate of incorporation issued by the secretary of state, but have published notice thereafter, in manner and form as by law required, such notices are hereby legalized and shall have the same force and effect as though published within said period of three months, as to all acts of said corporation from the date of said completed publication.

**SEC. 2. Pending litigation.** Nothing herein contained shall be construed as to affect pending litigation.

Approved April 12, A. D. 1909.

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### CHAPTER 273.

#### ACTION AND PROCEEDINGS OF BOARD OF SUPERVISORS OF MILLS COUNTY.

S. F. 282.

AN ACT to legalize the action and proceedings of the board of supervisors of Mills county, Iowa, in the matter of issuance of bonds for the refunding of the indebtedness of Pony creek drainage district No. 1 and the widening, deepening and improvement of said Pony creek and in the levy of an assessment therefor:

WHEREAS, The board of supervisors of Mills county, Iowa, did in 1902 issue and sell bonds on Pony creek drainage district No. 1 in said county, in the sum of \$8,600.00, dated January 1st, 1903, for the improvement of drainage in said district, and levy a tax therefor, and,

WHEREAS, The cost of the improvement and necessary repairs exceeded the estimate and levy so made, and

WHEREAS, The board of supervisors of said county, did in 1908, in order to further improve the drainage in said district, by resolution, order the issue of \$30,000 in bonds against the said district, and the sale thereof; and levy a tax after notice to the property owners, for the payment of said bonds; and cause the benefits to be apportioned over the said district, the money arising from the sale of the said bonds to be used in deepening, widening and dyking said Pony creek in said district, and in taking up the old indebtedness of said district represented in outstanding bonds and warrants drawn on the funds of said district, and,

WHEREAS, There were irregularities in said proceedings and the record of the proceedings of said board are incomplete and,

WHEREAS, Doubt has arisen as to the power and authority of the said board of supervisors to refund the outstanding indebtedness of said district or issue bonds therefor or levy a tax to pay said bonds and by reason of irregularities in its proceeding and incompleteness of its record, therefore,

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

**SECTION 1. Acts, proceedings and bonds legalized.** That the acts and proceedings of the board of supervisors of Mills county, Iowa, in 1908, in ordering the issuance of \$30,000 in bonds against Pony creek drainage district No. 1 in said county to be used in part in the refunding and payment of the outstanding indebtedness of said district, evidenced by bonds and warrants of said district and in part for the widening, deepening and extension of said Pony creek drainage district and the acts and proceedings of said board of supervisors in levying against the lands in said drainage district a tax for the payment of said bonds and the apportionment of the benefits of said work, improvement and extension, and all proceedings of said board on which said issue of bonds is based, be and the same are hereby legalized and made valid in all respects as though the law had provided for such action, and notwithstanding irregularities in its proceedings or incompleteness of its record, and the said bonds and tax and apportionment of benefits levied for the payment therefor are legalized and validated hereby.

**SEC. 2. Pending litigation.** This act shall not affect pending litigation.

**SEC. 3. In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Des Moines Capital and the Glenwood Opinion, newspapers published at Des Moines, Iowa, and Glenwood, Iowa, respectively, without expense to the state.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital March 27, A. D. 1909, and in the Glenwood Opinion April 1, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 274.

### CERTAIN DEED ISSUED BY OSCEOLA COUNTY.

H. F. 365.

AN ACT to legalize deed of Osceola county, Iowa, to Edgar Baker for government lots two, three and four, in section ten, in township one hundred, north of range thirty-nine west of the 5th P. M.

WHEREAS, Fannie Culver and husband gave to Osceola county, Iowa, for the use of the school fund a certain mortgage dated February 13, 1883, to secure the sum of \$600.00, conveying lots two, three and four in section ten in township one hundred north, of range thirty-nine west of the 5th P. M., which

said mortgage was foreclosed and bid in by said Osceola county, dated June 19, 1888, instead of having been conveyed to the state of Iowa as by law provided, and

WHEREAS, Said county sold the said land to Edgar Baker by warranty deed, dated April 4, 1892, and recorded in book 12, page 7, of the records of Osceola county, Iowa, and

WHEREAS, The said Osceola county has accounted to the state of Iowa for the proceeds of said sale. Therefore

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

**SECTION 1. Deed legalized.** That the said deed from Osceola county, Iowa, to Edgar Baker for lots two, three and four in section ten in township one hundred north, of range thirty-nine west of the 5th P. M. of Iowa, be and the same is declared valid and passes to the said Edgar Baker, his heirs, executors or assigns, all the right, title and interest of the said state of Iowa therein.

Approved April 1, A. D. 1909.

## CHAPTER 275.

### SALE OF CERTAIN SCHOOL LANDS IN SIOUX COUNTY.

H. F. 145.

AN ACT to legalize the action of the board of supervisors of Sioux county, Iowa, relating to the sale of school lands in section twelve (12) township ninety-five (95) north of range forty-eight (48) west of the fifth (5th) principal meridian, Sioux county, Iowa, and to authorize the governor to issue a patent therefor to John H. Hutchinson.

WHEREAS, On the 15th day of November, 1889, Maggie J. Ross and husband gave to Sioux county, Iowa, a mortgage on the south one-half ( $\frac{1}{2}$ ) of the southwest one-fourth ( $\frac{1}{4}$ ) of section twelve (12) township ninety-five (95) north of range forty-eight (48) west of the fifth (5th) principal meridian, Sioux county, Iowa, containing eighty (80) acres more or less according to the government survey, to secure a loan of school funds, and

WHEREAS, On January 2nd, 1892, Maggie J. Ross and husband gave to T. H. Dunham a warranty deed for said land, and

WHEREAS, On April 3, 1893, T. H. Dunham and wife gave to C. W. Jackson a warranty deed for said land, and

WHEREAS, On November 19, 1898, the said land was sold at sheriff's sale under foreclosure proceedings in the district court of Sioux county, Iowa, of the said mortgage given by Maggie J. Ross and husband to Sioux county, Iowa, and the said land was bid in by said Sioux county, Iowa, and

WHEREAS, On March 6, 1900, the sheriff of Sioux county, Iowa, gave to Sioux county, Iowa, a sheriff's deed for said land, and

WHEREAS, On December 27, 1900, Sioux county, Iowa, by Wm. Dealy, chairman of the board of supervisors, entered into a written contract with John Hutchinson for the sale of said land without appraisal as provided for by law, but said board acting in good faith in the premises, and

WHEREAS, The said John Hutchinson thereupon took possession of said property, and ever since has held and possessed the same, cultivating it and improving it, and paying taxes thereon, and

WHEREAS, It appears that the said John Hutchinson has paid the amount due on said contract in full, and

WHEREAS, On the 18th day of January, 1909, Sioux county, Iowa, by Wm. Dealy, chairman of the board of supervisors, gave to John H. Hutchinson a quit claim deed to said land, and

WHEREAS, Doubts have arisen as to the action of the board of supervisors being entirely legal in view of the provisions for appraisement and sale, now therefore,

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

SECTION 1. **Sale and conveyance legalized.** That the action of the board of supervisors of Sioux county, Iowa, in selling and conveying to the said John H. Hutchinson, the south one-half ( $\frac{1}{2}$ ) of the southwest one-fourth ( $\frac{1}{4}$ ) of section twelve (12), township ninety-five (95) north, range forty-eight (48) west, of the fifth (5th) principal meridian, Sioux county, Iowa, containing eighty (80) acres more or less according to the government survey, be and the same is hereby legalized and declared to be legal, valid and binding and to have vested in the said John H. Hutchinson a good, valid and fee simple title to the said real estate, to the same extent as though the law as to the sale of school lands had been in all respects, by the said board of supervisors, fully and strictly complied with.

SEC. 2. **Patent.** That the governor of the state of Iowa be and he is hereby authorized, empowered and directed to execute to John H. Hutchinson a patent, conveying to him the south one-half ( $\frac{1}{2}$ ) of the southwest one-fourth ( $\frac{1}{4}$ ) of section twelve (12), township ninety-five (95) north, range forty-eight (48) west, of the fifth (5th) principal meridian, Sioux county Iowa, containing eighty (80) acres more or less according to the government survey.

Approved February 24, A. D. 1909.

## CHAPTER 276.

### THE CITY OF AMES.

S. F. 401.

AN ACT to legalize the acts of the city council of the city of Ames, Iowa, in contracting an indebtedness during the five years immediately preceding the passage of this act in excess of the statutory limit of one and one fourth per cent for the erecting, maintaining and operating an electric light and power plant and water works system and other purposes and not exceeding the five per cent constitutional limit of the actual value of the taxable property in said city.

WHEREAS, The city council of Ames, Iowa, has during the last five years contracted indebtedness for the erecting, maintaining and operating a water works system and an electric light and power plant and other purposes in excess of the statutory limit of one and one-fourth per cent without submitting such question to the qualified electors of such city at a general or special election; and,

WHEREAS, The said excess indebtedness does not exceed the five per cent constitutional limit; and,

WHEREAS, Doubts have arisen as to the legality of such indebtedness, therefore,

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

SECTION 1. **Acts legalized.** That the acts of the city council of Ames, Iowa, during the five years immediately preceding the passage of this act, in contracting indebtedness over and above the statutory limit of one and one-fourth per cent but within the constitutional provision of five per cent for

the purpose of erecting, maintaining and operating a water system and an electric light and power plant and other purposes are hereby legalized and the same are declared to be valid and binding the same as though the law had in all respects been complied with.

SEC. 2. **Pending litigation.** Nothing in this act shall effect any pending litigation.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Ames Intelligencer, a newspaper published at Ames, Iowa, without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 9, A. D. 1909, and in the Ames Intelligencer April 15, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 277.

### THE CITY OF ANAMOSA.

S. F. 79.

AN ACT to legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council relating to such water works.

WHEREAS, At a meeting of the city council of the city of Anamosa, Iowa, held August 6, 1907, there was presented to it a petition, which petition was, on the 10th day of September, 1907, duly canvassed by the council, and was found by the council to contain the genuine signatures of four hundred seven (407) qualified electors of said city, and that there were six hundred twenty (620) legal and qualified voters within the corporate limits of said city at the time of the presentation of said petition and canvassing of the same; that each of said signers was a qualified elector of the city of Anamosa, at the time said petition was signed and canvassed, and that a majority of the qualified electors of the city signed said petition for the purpose of purchasing a water works system; and,

WHEREAS, Said petition asked said city council to call a special election for the purpose of voting on the proposition of bonding the city to erect or purchase a water works system as provided by chapter 49 of the 31st general assembly, the tax of one and one-fourth per centum not being sufficient to purchase or erect the plant; and,

WHEREAS, Said city council of said city called a special election for the purpose of submitting to the qualified electors of said city the proposition of acquiring a water works system at a cost not to exceed thirty thousand dollars (\$30,000), and of authorizing the city council to issue bonds not to exceed the sum of \$30,000 for the purpose of purchasing or erecting said water works system; and,

WHEREAS, The city council did, by resolution regularly passed on the 1st day of October, 1907, direct that notice of such special election be given and fixing the 28th day of October, 1907, as the time for holding said election at the usual voting places in said city, and caused said notice to be published once each week in the Anamosa Eureka and Anamosa Journal, newspapers published in said city, for four consecutive weeks, the first publication being October 3, 1907, and the fourth October 24, 1907, said notice advising the electors that two propositions would be submitted at said election, to-wit:

First. Shall a water works plant be acquired by said city? and, second, Shall the city council of the city of Anamosa, Iowa be authorized to issue bonds in the sum of \$30,000 for the purpose of acquiring a water works plant? and,

WHEREAS, At the said special election held on the 28th day of October, 1907, the following propositions were placed upon said ballot:

Shall the city council acquire a water works system at a cost not to exceed \$30,000?

|     |  |
|-----|--|
| YES |  |
| NO  |  |

Shall the city council issue bonds in the sum of \$30,000 for water works?

|     |  |
|-----|--|
| YES |  |
| NO  |  |

and,

WHEREAS, The city council of said city did, on November 5, 1907, canvass the returns of said special election and find that the proposition "Shall the city of Anamosa, Iowa, acquire a water works system" was carried by a majority of all the votes cast, and did further find that the proposition "Shall the city council issue bonds in the sum of \$30,000 for the purpose of acquiring a water works system" was carried by a two-thirds vote of all the votes cast; and

WHEREAS, The city council of said city did, on the 13th day of March, 1908, by resolution duly adopted, accept the proposition of the Anamosa water works company for the sale of its plant for the sum of twenty thousand dollars (\$20,000), and authorize the mayor and city clerk to enter into a contract with said company for the purchase of the same; and

WHEREAS, The city council of said city did, on the 24th day of March, 1908, elect by ordinance to exercise the power granted it by chapter four (4) title five (5) of the code of 1897 and amendments thereto, and to acquire by purchase and construction a system of water works under provisions of said chapter four, title five and amendments thereto for the purpose of supplying the city and inhabitants thereof with water for domestic and fire purposes and provided for the issuance of \$20,000 in bonds for the purchase of said plant, and \$10,000 in bonds for construction work; and

WHEREAS, Said petition, as presented to the city council of said city, did not specifically submit to the council the question of purchasing a water works plant, but provided for "erecting or purchasing" such plant, and did not specifically submit the question of acquiring a water works system under section 720 and amendments thereto; and,

WHEREAS, The notice was published for four weeks consecutively, but the last publication was not four weeks prior to the holding of said election; and the proposition as submitted on the ballot, to-wit, "Shall the city council acquire a water works system at a cost not to exceed \$30,000?" is not in the same wording as contained in the petition, the word "acquire" being used instead of "purchase or erect"; and,

WHEREAS, The proposition "Shall the city council issue bonds in the sum of \$30,000 for water works?" does not specifically permit the council to issue said bonds under the petition for purchasing a water works system and construction work; and the notice to the electors of said city reciting that said election would be held for the purpose of acquiring a water works and for the purpose of issuing bonds therefor not to exceed the sum of \$30,000 did not specifically submit said proposition; and,

WHEREAS, Doubts have arisen as to the legality and sufficiency of said petition for the reason it submits two propositions to the council, viz.: "erect or

purchase"; also doubts have arisen as to the legality and sufficiency of the findings of the city council on the canvass of said petition; doubts have arisen as to the legality and sufficiency of the notice of said election; and the proposition submitted on the ballot; and of the legality of the acts and doings of said city council in connection with said special election and the purchase of said water works, and the issuance of bonds for purchase thereof and for construction work; therefore,

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

**SECTION 1. Special election, acts, ordinances and bonds legalized—pending litigation.** That the proceedings of the city council of the city of Anamosa, Iowa, concerning and providing for the submission to the qualified electors of said city of the proposition for the acquiring of a system of water works, and for issuing bonds for such purpose and construction work, the petition submitted to the city council therefor, the notice of the submission and the time of such notice; the form of the ballot submitted at said election, and all acts and proceedings of said city council prior or subsequent to said special election, whether herein particularly specified or not, had and done with reference to said proposition of acquiring a water works system and issuing bonds therefor and construction work thereof, and each of them, be and are hereby legalized and validated as fully and completely as though the law had in all things been technically and fully complied with in every respect, and the resolutions and ordinance passed in aid thereof are hereby legalized and validated, and said bonds, whether issued or to be issued, shall be the valid and binding obligation of said city of Anamosa, Iowa. This act shall in no wise affect pending litigation.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect from and after its publication in the Anamosa Eureka, a newspaper published in Anamosa, Iowa, and the Register and Leader, a newspaper published in Des Moines, Iowa, without expense to the state.

Approved February 10, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader February 12, A. D. 1909, and in the Anamosa Eureka, February 18, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 278.

### THE TOWN OF CALLENDER.

H. F. 313.

AN ACT to legalize certain ordinances of the town of Callender, Webster county, Iowa.

WHEREAS, Certain ordinances, hereinafter particularly specified, of the town of Callender, Webster county, Iowa, were in good faith passed and adopted by the town council of said town and have at all times been treated by said town as legal and valid ordinances, and

WHEREAS, The records of said town council were defectively kept and failed to show the proceedings fully had and done by the council in the adoption of said ordinances, and in the case of several ordinances the same were not adopted by an aye and nay vote of the members of the council, but upon motion without any record being kept of the vote of each member of the council, and then after only one reading of said ordinances, and

WHEREAS, Said ordinances were read in council and adopted upon motion and published as by law provided, and

WHEREAS, In the case of certain other ordinances the mayor, J. M. Sabe, of said town of Callender, was not a citizen of United States, but was a subject of the king of Norway, having made his declaration of intention of becoming a citizen of United States but not having been naturalized as such, and

WHEREAS, The town council of said town of Callender has acted upon said ordinances, made improvements thereunder and have enforced said ordinances from and after the time of their adoption, and have in all respects treated said ordinances as valid, legal and binding, and they have been so treated by the officers and citizens of said town, and

WHEREAS, Because of the defects referred to doubts have arisen as to the legality of said ordinances. Now therefore,

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

**SECTION 1. Ordinances legalized.** That all said ordinances be and the same are hereby legalized and declared to be valid and binding the same as though the law had in all respects been strictly complied with and the same as though the mayor, J. M. Sabe, was, at all times while acting as the mayor of said town, a citizen of United States and of the state of Iowa and had all the qualifications required by law for holding and occupying the office of mayor of said town of Callender, and as though the law had required nothing more to be done than was done, and the same as though in each instance the law required to be done just what was done and in the manner in which it was done. Said ordinances are as follows:

Ordinance No. 3, adopted April 2, 1894, entitled: "An ordinance licensing transient persons to sell goods at auction or otherwise";

Ordinance No. 4, adopted April 2, 1894, entitled: "An ordinance concerning nuisances";

Ordinance No. 5, adopted April 2, 1894, entitled: "An ordinance to prohibit stock from running at large";

Ordinance No. 6, adopted April 2, 1894, entitled: "An ordinance to establish sidewalks and providing for their construction";

Ordinance No. 7, adopted April 2, 1894, entitled: "An ordinance protecting and caring for sidewalks";

Ordinance No. 8, adopted April 3, 1894, entitled: "An ordinance to prohibit drunkenness and disturbances";

Ordinance No. 9, adopted April 9, 1894, entitled: "An ordinance providing for the licensing of a mullet saloon";

Ordinance No. 10, adopted April 2, 1894, entitled: "An ordinance to prohibit gambling and to provide for its punishment";

Ordinance No. 11, adopted April 16, 1894, entitled: "An ordinance to license draymen";

Ordinance No. 13, adopted June 12, 1894, entitled: "An ordinance prohibiting the discharge of firearms within the corporate limits";

Ordinance No. 15, adopted July 27, 1894, entitled: "An ordinance to provide for the licensing of shows, concerts or theatrical performances";

Ordinance No. 27, adopted August 1, 1898, entitled: "An ordinance to provide for the construction and maintenance of a sewer in the incorporated town of Callender and to provide for the payment for its construction and to regulate its use";

Ordinance No. 28, adopted September 5, 1898, entitled: "An ordinance defining certain offenses and providing for the punishment thereof";

Ordinance No. 29, adopted September 5, 1898, entitled: "An ordinance providing for the punishment of parties discharging missiles from air guns and other weapons within the corporate limits of the town";



Ordinance No. 30, adopted November 11, 1898, entitled: "An ordinance to provide for the licensing of transient merchants, bankrupt stores and damaged goods stores";

Ordinance No. 31, adopted May 1, 1899, entitled: "An ordinance regulating tree planting on public streets";

Ordinance No. 32, adopted, April 17, 1900, entitled: "An ordinance granting to the E. H. Martin telephone company the right to erect and maintain its poles and lines in the town of Callender on the conditions herein provided";

Ordinance No. 33, adopted May 18, 1903, entitled: "An ordinance to prohibit dogs running at large and providing license for same";

Ordinance No. 34, adopted May 18, 1903, entitled: "An ordinance relating to the construction of sidewalks";

Ordinance No. 35, adopted July 27, 1903, entitled: "An ordinance establishing a tile drain on Mortimer avenue and providing for the maintenance of same";

Ordinance No. 36, adopted July 27, 1903, entitled: "An ordinance to establish street grades in the town of Callender".

SEC. 2. **Pending litigation.** Nothing in this act shall in any way affect pending litigation, or be construed to grant cities and towns any power or privileges not granted by the general laws governing cities and towns and now possessed and exercised by them.

Approved March 29, A. D. 1909.

## CHAPTER 279.

### THE CITY OF CEDAR RAPIDS.

H. F. 317.

AN ACT to legalize certain acts of the city council of the city of Cedar Rapids, Linn county, Iowa, and of the auditor, treasurer and board of supervisors of said Linn county, Iowa, relating to levy of park tax.

WHEREAS, By vote of the people of the city of Cedar Rapids, Iowa, prior to December, 1907, a one mill tax on the actual value of the property of said city was authorized for the years 1907, 1908 and 1909 to provide a park fund which tax would create an amount of money annually about equal to a four mill levy on twenty-five per cent of the actual value of the property of said city; and

WHEREAS, The city council of Cedar Rapids, Linn county, Iowa, in the year 1908 levied and assessed and reported to the auditor, treasurer and board of supervisors of said Linn county, Iowa, for levy and assessment in said year to be collected and paid in the year 1909 a tax for park fund in said city of four mills on the dollar of the taxable property of said city; and

WHEREAS, Said levy of four mills for said fund was accordingly made by said city and the county officers of said Linn county, Iowa, and entered on the tax books of said county by the county officers aforesaid; and

Whereas, Said city council and said county officers in making and entering said levy had in view the best interests of said city and the fact previously said vote on said tax had been taken; and

WHEREAS, Doubt has arisen as to the authority of said council and said county officers to assess and levy said tax to the amount of four mills for said fund.

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

SECTION 1. **Acts and tax levy legalized—pending litigation.** That all acts, of the city council of the city of Cedar Rapids, Iowa, and of the auditor,

treasurer and board of supervisors of said Linn county, Iowa, in assessing and levying against the taxable property of said city in the year 1908 four mills on the dollar for the park fund of said city be and the same are hereby legalized and made valid as though the law had been fully complied with, provided, however, that this act shall not affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Cedar Rapids Daily Republican, a newspaper published in Cedar Rapids, Iowa, said publication to be without expense to the state.

Approved March 27, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 30, A. D. 1909, and in the Cedar Rapids Republican March 31, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 280.

### THE TOWN OF DEEP RIVER.

H. F. 243.

AN ACT legalizing ordinances numbers thirty-eight and thirty-nine, establishing the grades of streets and sidewalks in the incorporated town of Deep River, Poweshiek county, Iowa.

WHEREAS, On the 8th day of October, 1906, the council of the incorporated town of Deep River, Poweshiek county, Iowa, adopted ordinances numbers thirty-eight (38) and thirty-nine (39) as recorded in the ordinance book of said incorporated town establishing the grades of the streets and sidewalks in said town, and caused to be made in the records of said council, a record of the adoption of said ordinances and of the votes of the members of the council; and,

WHEREAS, Said record of said proceedings adopting said ordinances shows that the rule requiring that said ordinances be fully and distinctly read on three different days was dispensed with by yea and nay vote which was recorded, and that the mayor declared the motion to dispense with said rule adopted, but said record fails to show whether the mayor did or did not vote yea thereon, so that some question has arisen as to whether said rule was dispensed with by a sufficient number of the votes of the members of the council and as to the legality of said ordinances, therefore,

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

SECTION 1. **Certain ordinances legalized—pending litigation.** That ordinances numbers thirty-eight (38) and thirty-nine (39) of the incorporated town of Deep River, Poweshiek county, Iowa, which were passed and adopted by the council of said incorporated town on the 8th day of October, 1906, be and the same are both hereby legalized and declared of the same force and effect as if they had been fully and distinctly read on three different days, and the same as if the record showed that the rule requiring that they be so read had been duly dispensed with by three-fourths of the council of said town, and as if they had in all respects been passed and adopted in the manner provided by law. Provided, however, that the passage of this act shall in no manner affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and

Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa. Said publications to be without expense to the state.

Approved March 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 19, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 281.

### THE INDEPENDENT SCHOOL DISTRICT OF FARMINGTON.

S. F. 296.

AN ACT to legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Farmington, in Van Buren county, state of Iowa.

WHEREAS, On the 16th day of April, 1900, at a special election held by the independent school district of Farmington, in Van Buren county, state of Iowa, after petition made and notice given therefor, as required by law, there was duly submitted to the electors of said district the question of issuing bonds, not to exceed twelve thousand dollars by said district for the purpose of defraying the cost of taking down the old school building therein and erecting in its place a new school building of not less than ten rooms; and,

WHEREAS, At said election the electors of said district by a large majority vote authorized said improvements to be made and the issuing of the bonds proposed; and,

WHEREAS, Afterwards a competent architect was employed and estimates made from which it was thought the money to be realized from the bond issue so authorized, with the amount of the school fund of said district then on hand, would be sufficient to pay the cost of said improvements; and,

WHEREAS, The said board of directors then had the old school building torn down and proceeded with the erection, in its place, of a new school building and as the work on such new structure progressed it was found that after the funds realized, as aforesaid, were exhausted, it would require an additional expenditure of over nine thousand dollars to complete and equip said building, including a proper heating plant therefor; and,

WHEREAS, The said board of directors by resolutions, passed by the unanimous vote thereof, at regularly called meetings of the board, held August 31, 1900, September 22, 1900, and September 29, 1900, authorized, in behalf of said district, the issuing of warrants aggregating a little over ten thousand dollars on the school fund of such district, which warrants were afterwards issued and are numbered 174, 175, 193, 197, 203, 267, 292, 297, 299, and 309, respectively; and,

WHEREAS, The proceeds of said warrants were necessary, and such proceeds were in fact used, on the payment of the cost of construction and the equipment of said new school building; and,

WHEREAS, The aforesaid structure was completed and thoroughly equipped for the purpose intended, as before stated, by payment of the fair and reasonable cost only for the work and materials necessary therefor and said district has had the benefit of the full face value of said warrants; and,

WHEREAS, Questions as to the legality of said warrants have arisen as to whether the said school district was within its authorized and legal powers when said warrants were issued, and other doubts have arisen as to the regularity of the proceedings in relation thereto; now, therefore:

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

**SECTION 1. Warrants legalized.** That all of the warrants on the school fund issued by the independent school district of Farmington, in Van Buren county, state of Iowa, through its board of directors, as above set forth, are hereby legalized and declared valid, and that the acts of said board in relation thereto are hereby declared to be valid and effectual as though all acts of said board had been in strict compliance with law.

**SEC. 2. Pending litigation.** Nothing in this act shall affect in any way any pending litigation in relation to the subject matter hereof.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and The Farmington News, a newspaper published at Farmington, Iowa, which publication shall be without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 9, A. D. 1909, and in the Farmington News April 13, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 282.

### SCHOOL TOWNSHIP OF GARFIELD, CLAY COUNTY, IOWA.

S. F. 425.

AN ACT to legalize the acts of the board of directors of the school township of Garfield, in the county of Clay, and state of Iowa; appointing the officers therefor, and legalizing the levy of taxes made for said school township in 1908.

WHEREAS, Previous to July, 1908, an attempt was made to erect a consolidated independent school district out of the territory comprised within the school township of Garfield, county of Clay, and state of Iowa, and it was generally believed that such a consolidated district had been erected out of the said territory and, by reason of such belief, no election of officers or directors was had for said school township of Garfield at the time appointed for such elections by law in the year 1908, and,

WHEREAS, By a decree of the district court of Iowa for Clay county rendered at the August term, 1908, of said court, it was judicially determined that such attempted organization of said consolidated district was illegal and void, and,

WHEREAS, After the rendering of such decree and in October, 1908, persons who had acted immediately preceding July, 1908, as directors of the school township of Garfield, in the county of Clay, and state of Iowa, re-qualified, elected officers, and have since proceeded to conduct the business of said school township the same as if such directors had been legally elected and qualified, and,

WHEREAS, The board of supervisors of Clay county, Iowa, on the eleventh day of November, 1908, made certain levies upon the taxable property of the school township of Garfield, in the county of Clay, and state of Iowa, and,

WHEREAS, Doubts have arisen as to the legality of the acts of said board of directors and officers and of the said tax levy, therefore,

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

**SECTION 1. Acts legalized—school directors and officers to hold office.** That the acts of such board of directors of said township of Garfield had since July 1st, 1908, are hereby legalized, and the directors and officers who have purported to act respectively as the directors and officers of said township

since July 1st, 1908, are hereby appointed, each to the respective office which he has purported to fill since July 1st, 1908, and each of said persons is empowered to hold and exercise the duties of said office until the first day of July, 1909, and until his respective successor is elected and qualified.

**SEC. 2. Tax levy legalized.** That the acts of the board of supervisors of Clay county, Iowa, had on November 11th, 1908, in making and fixing the levies upon the taxable property of the school township of Garfield in said county for school purposes are hereby legalized and confirmed.

**SEC. 3. Pending litigation.** Nothing herein contained shall be construed to affect pending litigation.

**SEC. 4. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Spencer Reporter, a newspaper published at Spencer, Iowa, without expense to the state.

Approved April 15, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 19, A. D. 1909, and in the Spencer Reporter April 21, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 283.

### THE TOWN OF HINTON.

H. F. 233.

AN ACT to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Hinton, Iowa.

WHEREAS, Doubts have arisen as to the legality of all the ordinances, resolutions and rules of health of the incorporated town of Hinton, Iowa, in that the same were not regularly read at three separate meetings of the council, nor on three different days, and the rule allowing ordinances to be read three times and passed at the same meeting of the council was not properly observed and suspended, and in that the ordinances and rules of health were not published in the manner prescribed by the statutes of Iowa relating to the publication of ordinances and rules of health, now, therefore,

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

**SECTION 1. Ordinances, resolutions and rules legalized—pending litigation.** That all the acts of the council of the incorporated town of Hinton, Plymouth county, Iowa, in the passage, adoption and publication of the ordinances, resolutions and rules of health of said town be and the same are hereby legalized and declared to be as valid as if all the provisions of the law of the state relating to the passage, adoption and publication thereof had been duly and fully observed, and all the ordinances, resolutions and rules of health of said town are hereby legalized and declared as valid and of the same force and effect as if the same had been read at three separate meetings and on three different days, and as if the same had been duly published in the manner provided by law for the reading, adoption and publication thereof; provided that nothing in this act shall in any wise affect pending litigation.

Approved April 8, A. D. 1909.

## CHAPTER 284.

## THE TOWN OF KNIERIM.

H. F. 490.

AN ACT to legalize the incorporation of the town of Knierim, Calhoun county, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

WHEREAS, Doubt exists as to the legality of the incorporation of the town of Knierim, Calhoun county, Iowa, the election of its officers, official acts done, and the ordinances and resolutions passed by the town council of said town; therefore,

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

**SECTION 1. Incorporation, acts, ordinances and resolutions legalized—pending litigation.** That the incorporation of the town of Knierim, Calhoun county, Iowa, the election of its officers and all acts done and the ordinances and resolutions passed by the town council of said town, not in contravention of the laws of the state, are hereby legalized and the same are hereby declared to be valid and binding the same as though the law had been, in all respects, strictly complied with in the incorporation of said town, the election of its officers, and all official acts done, and the passage of its ordinances and resolutions, provided that nothing in this act shall in any wise affect pending litigation.

**SEC. 2. In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Des Moines Capital, a newspaper published in Des Moines, Iowa, and in the Knierim Record, a newspaper published in Knierim, Iowa, without expense to the state.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital April 10, A. D. 1909, and in the Knierim Record April 14, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 285.

## THE TOWN OF LAURENS.

S. F. 422.

AN ACT legalizing the ordinances of the incorporated town of Laurens, Iowa.

WHEREAS, Doubts have arisen concerning the validity of the ordinances of the incorporated town of Laurens, Iowa, owing to informalities happening at the time of the passage of such ordinances in this that the record fails to show that readings of the same were had on separate days or that such readings were dispensed with by proper suspension of the rules provided therefor; and it is desirable that such ordinances shall be validated and legalized, therefore:

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

**SECTION 1. Ordinances legalized—pending litigation.** That all of the ordinances of the incorporated town of Laurens, Iowa, which are, or purport to be, in force are hereby legalized and made valid in every respect the same as if the law had been complied with in every particular with respect to the passage of such ordinances; but this act shall not legalize or make valid any ordinance or part of an ordinance which the town council of said town had not

authority to enact at the time when such ordinance purports to have been enacted; provided that nothing contained in this act shall affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Pocahontas County Sun, a newspaper published at Laurens, Iowa, as provided by law, without expense to the state.

Approved April 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 14, A. D. 1909, and in the Pocahontas County Sun April 15, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 286.

### THE CITY OF MANCHESTER.

S. F. 50.

AN ACT to legalize the action and proceedings of the city council of the city of Manchester, relative to the boundary line and extent of the limits of said city.

WHEREAS, On the fourth day of November, 1878, in pursuance of law, an election was held in the town of Manchester, Iowa, to determine whether the limits of said town should be extended, and

WHEREAS, The notice for such election properly described the lands within the limits of said town, as it was proposed to be extended, but erroneously described the boundary line thereof, and

WHEREAS, At said election a majority of the qualified electors voted in favor of such extension of the town limits, and

WHEREAS, The mayor of said town, on the sixth (6) day of November, 1878, issued a proclamation declaring the extension of the limits of said town, as a result of said election, and defining the boundary thereof which was also incorporated in ordinance number fifty-eight (58) of said town, and later incorporated in ordinance number one hundred (100), which ordinances were duly passed by the council of said town, and

WHEREAS, Said proclamation and ordinances of said town numbered fifty-eight (58) and one hundred (100), erroneously described the boundary lines of said town as extended, whereby the place of beginning and the place of ending of said boundary line is not the same point, and

WHEREAS, The said town of Manchester, Iowa, has since by operation of law, become a city of the second class, and

WHEREAS, The city council of the city of Manchester, Iowa, did on the 24th day of September, 1908, pass an ordinance, numbered one hundred and seventy-two (172), amending ordinance number one hundred (100), thereby correctly defining the boundary lines of said city, to correspond with a description of the land included within the proposed extended limits, as set out in the notice of election, heretofore mentioned, and

WHEREAS, The boundary lines of the town as extended and adopted by a majority vote of the qualified electors in said town, and the territory included by said extension should have read as follows, to-wit: commencing at the southeast corner of section thirty (30), township eighty-nine (89) north, of range five (5) west of the fifth P. M. in Delaware County, Iowa, running thence west on the line between sections thirty (30) and thirty-one (31) in said township, fourteen (14) chains, thence south along the west line

of lots five hundred and forty-one (541), five hundred and forty-two (542), six hundred and two (602), six hundred and three (603), six hundred and ninety-two (692), six hundred and ninety-three (693), seven hundred and forty-seven (747), seven hundred forty-eight (748) and eight hundred and one (801) to the south line of the Dubuque and Sioux City Railroad Company grounds, thence in a northeasterly direction along said south line of said railroad company's grounds to the line between sections thirty-one (31) and thirty-two (32) in said township; thence south along said section line to the southwest corner of the northwest quarter of the southwest quarter of section thirty-two (32), thence east to the southeast corner of the north half of the southwest quarter of section thirty-three (33), thence north on the quarter section line through the north three-fourths of said section thirty-three (33) to the quarter section corner between sections twenty-eight (28) and thirty-three (33), thence continuing north to the northeast corner of the south half of the southwest quarter of section twenty-one (21), thence west along the forty acre lines to the section line at the northwest corner of the southwest quarter of the southwest quarter of section twenty (20), thence south on the said section line to the place of beginning, and

WHEREAS, Doubts have arisen as to the legality of said election, extending the limits of the town (now city) of Manchester, Iowa, on account of the erroneous description of the boundary line in notice of the election, proclamation of the mayor and ordinances number fifty-eight (58) and one hundred (100), passed by the town council defining same; and the authority of the city council of the city of Manchester, Iowa, to correct such erroneous description, by the passage of ordinance number one hundred and seventy-two (172), on the 24th day of September, 1908, therefore

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

**SECTION 1. Acts and proceedings legalized—pending litigation.** That all acts done and proceedings had by the city council of the city of Manchester, Iowa, in the passage of ordinance number one hundred and seventy-two (172), of said city, establishing and defining the boundary lines and the corporate limits of said city, are hereby legalized and declared valid and binding. This act shall in no way affect pending litigation.

Approved February 24, A. D. 1909.

## CHAPTER 287.

### THE INDEPENDENT SCHOOL DISTRICT OF MARCUS.

S. F. 394.

AN ACT to legalize the action of the independent school district of Marcus, Cherokee county, Iowa, in voting bonds at an election held on the first day of March, 1907, and legalizing the bonds issued by said district under said election.

WHEREAS, Upon petition of a majority of the qualified electors of the independent school district of Marcus, Cherokee county, Iowa, a special election was held in said district on the first day of March, 1907, to vote on the issuance of \$20,000.00 bonds for the erection and furnishing of a school building in said district; and,

WHEREAS, Notice of said election was given by publication once each week in the four successive weeks preceding said election, in the Marcus News, a weekly newspaper published at Marcus, in said district; to-wit, on February 7, 14, 21 and 28; and,



WHEREAS, At said election 226 votes were cast for and 93 votes were cast against the issuance of bonds, and the said proposition was declared duly carried; and,

WHEREAS, Said bonds, to the amount of \$20,000.00 were issued pursuant to said vote, bearing interest at five per cent per annum, and were sold at a premium above par, and the proceeds of said bonds have been expended in the erection and furnishing of a school building which is now being used for school purposes by said district; and,

WHEREAS, Doubts have arisen as to the sufficiency of the notice of said election, and of the legality of the election and of the proceedings of the board of directors and officers of said district in the issuance of said bonds; therefore, *Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Election, acts and bonds legalized—pending litigation.** That the election and vote for the issue of bonds to the amount of \$20,000.00, held and had by the independent school district of Marcus, Cherokee county, Iowa, on the first day of March, 1907, for the erection and furnishing of a school building, and the acts of the board of directors and officers of said school district in issuing said bonds, be, and the same are hereby legalized, and the bonds so issued by said school district under and by virtue of the authority aforesaid, be, and the same are hereby, legalized and declared valid. This act shall not affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and in the Marcus News, a newspaper published at Marcus, Iowa, said publication to be without expense to the state.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 15, A. D. 1909, and in the Marcus News April 22, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 288.

### THE TOWN OF MAYNARD.

S. F. 318.

AN ACT to legalize the ordinances of the town of Maynard, Fayette county, Iowa, and the acts and proceedings of the council of said town had thereunder.

WHEREAS, It appears that the ordinances adopted by the town council of the town of Maynard, Fayette county, Iowa, have not been enacted and passed in manner and form provided by law, and

WHEREAS, Doubts have arisen and do now exist as to the legality of said ordinances and the acts and proceedings of said town council thereunder, therefore,

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

SECTION 1. **Ordinances, acts and proceedings legalized.** All ordinances passed by the town council of the town of Maynard, Fayette county, Iowa, now in force and under which said town council is now acting, and all acts and proceedings had thereunder, in so far as they are not in contravention of the authority granted by law, are hereby legalized and declared to be valid and binding and with the same force and effect as though the law had in every provision thereof been strictly complied with in the passage and enactment of said ordinances.

**SEC. 2. Pending litigation.** Nothing herein shall in any wise affect pending litigation nor validate any such ordinance or act thereunder in excess of the powers delegated by law to cities and towns.

**SEC. 3. In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Des Moines Capital and the Maynard News, and said publication shall be without expense to the state.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital March 27, A. D. 1909, and in the Maynard News April 1, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 289.

### THE TOWN OF MERRILL.

H. F. 234.

AN ACT to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Merrill, Iowa.

WHEREAS, Doubts have arisen as to the legality of all the ordinances, resolutions and rules of health of the incorporated town of Merrill, Iowa, in that the same were not regularly read at three separate meetings of the council, nor on three different days, and the rule allowing ordinances to be read three times and passed at the same meeting of the council was not properly observed and suspended, and in that the ordinances and rules of health were not published in the manner prescribed by the statutes of Iowa relating to the publication of ordinances and rules of health. Now, therefore,

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

**SECTION 1. Ordinances, resolutions and rules of health legalized—pending litigation.** That all the acts of the council of the incorporated town of Merrill, Iowa, in the passage, adoption and publication of the ordinances, resolutions and rules of health of said town be and the same are, hereby legalized and declared to be as valid as if all the provisions of the law of the state relating to the passage, adoption and publication thereof had been duly and fully observed, and all the ordinances, resolutions and rules of health of said town are hereby legalized and declared as valid and of the same force and effect as if the same had been read at three separate meetings and on three different days, and as if the same had been duly published in the manner provided by law for the reading, adoption and publication thereof. But nothing in this act shall affect pending litigation.

Approved April 8, A. D. 1909.

## CHAPTER 290.

### THE CITY OF MONTICELLO.

S. F. 262.

AN ACT to legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city, and all acts done thereunder.

WHEREAS, The council of the city of Monticello, Iowa, at its regular June meeting in 1908, duly adopted by unanimous vote a preliminary resolution declaring that it was advisable and necessary to make a street improvement,

to-wit: to park, curb, gutter and macadamize that portion of Sycamore Street in said city lying between the south line of Second Street and the south line of Seventh Street, specifying how and in what manner the same should be done and of what materials, and providing that the city should pay a portion of the expense thereof and the adjoining property holders the balance of the expense in proportion to their frontage on said street; and

WHEREAS, By said resolution a time was fixed for the final consideration of said resolution by the council and requiring notice thereof to be published in two official papers of the city for four successive weeks, the last publication to be not less than two weeks nor more than four weeks prior to the time set for hearing of the same and the consideration of any objections that might be made to said proposed improvements; and

WHEREAS, Notice was published as required by said resolution; and

WHEREAS, At the time so fixed for the final consideration of said resolution, objections were made thereto and duly considered by the council, and after due consideration, the council adopted said resolution, which resolution was duly published in the official papers of the city as having been duly adopted by the council; and

WHEREAS, Thereafter the city let the contract for said improvements and has completed a large portion of the same at very large expense, and without any objection on the part of any adjoining property holder or any one else, in good faith and with the full belief that all the requirements of the statute had been fully complied with; and

WHEREAS, A plat showing such improvements, the lots, parcels and pieces of land on which it was proposed to make assessments for said improvements, the owners thereof so far as known, the amount of assessments and other matters as required by the statute, and a time fixed for making objections thereto, and notice thereof published, as required by statute, of the time fixed for making such assessments, etc; and

WHEREAS, The resolution providing for said improvements was not finally adopted by the required affirmative vote of three-fourths of all the members of the council, said improvements not having been petitioned for; and

WHEREAS, Doubts have also arisen as to the regularity of the proceedings in letting the contract for said improvements as well as in other matters; and

WHEREAS, It appears that in all its acts in and concerning said improvements the council and officials of Monticello acted in the utmost good faith and with full belief that all their acts were legal; now therefore,  
*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Resolutions and acts legalized.** That the said resolutions providing for the improvements, to-wit, the parking, curbing, guttering, macadamizing and improvement of said Sycamore Street, and all acts of the contract, the assessments made or to be made pursuant to the terms and provisions of said resolution, be and the same are hereby legalized and validated so as to be of the same force and effect as though each and every provision of the statute of Iowa with reference thereto had been fully and particularly complied with.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in the city of Des Moines, and the Monticello Express, a newspaper published at the city of Monticello, Iowa, both publications to be without expense to the state.

Approved March 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 13, A. D. 1909, and in the Monticello Express March 18, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 291.

## THE CITY OF NEW HAMPTON.

H. F. 261.

AN ACT to legalize the special election held in the city of New Hampton, Iowa, on the 5th day of February, 1907, wherein there was submitted to the voters of said city the question of issuing bonds in the sum of eighteen thousand dollars (\$18,000.00) for the purpose of erecting a combined water works, electric light and power plant and water tower and tank, and to validate and legalize the bonds issued in pursuance of said election.

WHEREAS, On the petition of a majority of the legal electors of the city of New Hampton, Iowa, submitted to the council of said city on the 2nd day of January, 1907, a resolution was by the council of said city passed on said last named date, calling a special election for the purpose of submitting to the electors of said city the question of issuing bonds of said city for the purpose of erecting a combined water works, electric light and power plant and water tower and tank, notice of which election was published for four consecutive weeks in the "New Hampton Gazette," a weekly newspaper published in said city, the last publication being January 24th, 1907, and

WHEREAS, Pursuant to said petition, resolution and notice, aforesaid, there was submitted to the electors of said city at said special election, held in said city February 5th, 1907, the question as to whether or not the city of New Hampton, should issue bonds in the sum of eighteen thousand dollars (\$18,000.00) for a combined water works, electric light and power plant and water tower and tank, which question was submitted in the following form, to-wit:

"For the issuance of bonds in the sum of eighteen thousand dollars (\$18,000.00) for a combined water works, electric light and power plant and water tower and tank."



"Against the issuance of bonds in the sum of eighteen thousand dollars (\$18,000.00) for a combined water works, and electric light and power plant and water tower and tank."



and,

WHEREAS, More than two-thirds of the legal electors, voting at said election, as shown by the official canvass of said vote, voted for said proposition and in favor of the issuance of bonds as aforesaid, and

WHEREAS, Pursuant to the authority conferred by said election the said city council, on the 21st day of August, 1907, passed a resolution authorizing and directing the issuance of bonds in the sum of eighteen thousand dollars (\$18,000.00) and,

WHEREAS, Doubts have arisen as to the regularity of the resolutions passed by said city council, the legality of said election and as to the legality of the question submitted, and the manner and form in which the same was submitted, and of the issue of bonds thereunder:

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

**SECTION 1. Special election and bonds legalized—pending litigation.** That the submission to the electors of the city of New Hampton, at the special election called for that purpose on the 5th day of February, 1907, of the question of the issuance of bonds by said city, in the sum of eighteen thousand dollars (\$18,000.00) for a combined water works, electric light and power plant and water tower and tank, and the form of the question submitted, the manner of submitting the same, the resolutions passed in relation to the same, the issue of bonds thereunder, and all matters done in the calling and holding of said special election or in anywise connected therewith, is hereby declared to be legal and valid, the same as though the law had been fully complied with in the form and passage of said resolutions, the holding of

said election, the form and submission of said question, the issue of bonds thereunder and in all matters pertaining to said special election. Provided, however that the passage of this act shall in no manner affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the "New Hampton Courier", a newspaper published in New Hampton, Iowa, without expense to the state.

Approved March 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 19, A. D. 1909, and in the New Hampton Courier March 25, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 292.

### THE CITY OF NEW HAMPTON.

H. F. 543.

AN ACT to amend house file number two hundred sixty-one (261) of the thirty-third general assembly, relating to the issuance of bonds by the city of New Hampton, Iowa.

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

SECTION 1. **Amount of bond issue corrected.** That the word "eighteen" in the interlineation to the first line of the second page of the original bill be stricken out and the word "fifteen" inserted in lieu thereof and the figures "18,000" in the first line of the second page of the original bill be stricken out and the figures "15,000" inserted in lieu thereof.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the New Hampton Courier, a newspaper published in New Hampton, Iowa, without expense to the state.

Approved April 16, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 20, A. D. 1909, and in the New Hampton Courier April 22, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 293.

### THE TOWN OF NORWALK.

S. F. 203.

AN ACT to legalize the ordinances of the town of Norwalk, Warren county, Iowa, and the acts and proceedings of the council of said town had thereunder.

WHEREAS, It appears that the ordinances adopted by the town council of the town of Norwalk, Warren county, Iowa, have not been enacted and passed in the manner and form provided by law and particularly as provided by section six hundred eighty-two (682) of the code, and

WHEREAS, Doubts have arisen and now exist as to the legality of said ordinances and the acts and proceedings of said town council thereunder, therefore,

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

SECTION 1. **Ordinances legalized.** All ordinances passed by the town council of the town of Norwalk, Warren county, Iowa, now in force and un-

der which said town council is now acting and all acts and proceedings had thereunder, in so far as they are not in contravention of the authority granted by law, are hereby legalized and declared to be valid and binding and with the same force and effect as though the law had in every provision thereof been strictly complied with in the passage and enactment of said ordinances.

SEC. 2. **Pending litigation—excess powers not validated.** Nothing herein shall in anywise affect pending litigation nor validate any such ordinance or act thereunder in excess of the powers delegated by law to cities and towns.

SEC. 3. **In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Register and Leader a newspaper published at Des Moines Iowa and Norwalk Free Press a newspaper published at Norwalk Iowa, and said publication shall be without expense to the state.

Approved March 18, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 20, A. D. 1909, and in the Norwalk Free Press March 25, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 294.

### THE CITY OF OELWEIN.

H. F. 544.

AN ACT legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city.

WHEREAS, At a meeting of the city council of the city of Oelwein, held on the 13th day of March, 1903, a resolution was adopted by said city council to submit to the qualified electors of said city of Oelwein the question of voting a two mill tax levy upon the assessed property within said city, for the purpose of purchasing suitable real property for a public park for said city, said levy to continue for five years from date of levy, and

WHEREAS, Proper proclamation was made and notice given of an election upon the question of making said tax levy for the purpose of purchasing suitable real property for a public park for said city, and

WHEREAS, Said proposition was submitted to the qualified electors of said city, at the city election of said city, held on the 30th day of March, 1903, and

WHEREAS, A majority of the legal voters voting at said election, voted in favor of said tax levy, and

WHEREAS, On the 8th day of September, 1903, said city council levied in pursuance of said election, a two mill tax for public park fund, which public park fund tax has annually thereafter been levied, and

WHEREAS, On the 30th day of July, 1906, the city council of said city, by resolution duly adopted, instructed the mayor and clerk of said city, to enter into a contract for the purchase of the following described real property for park purposes:

And the north two-thirds and the east one-half of the south-west one-fourth of section thirty-three, township ninety-one north, range nine west of the fifth P. M. in Fayette county, Iowa.

And to pay for the same in the following manner: One thousand dollars at the time of signing the contract, and seven thousand one hundred and fifty dollars, on the 31st day of May, 1921, and instructed the city clerk to draw a

warrant on the park fund in the sum of one thousand dollars, as first payment on said contract. And that said contract was duly made and entered into by the mayor and clerk of said city in accordance with the provisions of said resolution. And the warrant drawn by the city clerk for one thousand dollars, as first payment on said contract, and

WHEREAS, Since the purchase of said land for park purposes, the city council of said city have erected and constructed a dam across a stream of water running through said park and made other improvements in said park and drawn warrants on said park fund amounting in the aggregate to the sum of four thousand eight hundred and eighty-five dollars and forty-four cents, in payment for said dam and other improvements, and

WHEREAS, Said city warrants drawn on the park fund for the purposes hereinbefore set forth were duly presented to the city treasurer of said city, and by him paid out of said park fund, and

WHEREAS, There are doubts as to the legality of the proceedings and actions of said city council in the making of the improvements as hereinbefore set forth, in said park, and making payment therefor in the manner above stated, and

WHEREAS, There are also doubts as to the legality and validity of the action of said city treasurer, in the payment of said warrants, for the purposes hereinbefore set forth, therefore,

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

**SECTION 1. Proceedings and improvements legalized.** That all proceedings of the city council of the city of Oelwein, Iowa, with reference to the improvements made in said park, as set out in the preamble hereto, are hereby legalized and made of the same validity, force and effect as if all of the requirements and provisions of the law applicable thereto had been fully complied with, and that the erection and construction of said dam and other improvements made in said park, and the payment therefor, in the way and manner hereinbefore set forth are hereby declared to be valid and legal, and that the action of said city treasurer in the payment of said warrants drawn on said park fund in the way and manner set forth in the preamble hereto is hereby legalized and validated so as to be of the same force and effect as if each and every provision of the statute with reference thereto had been strictly complied with.

**SEC. 2. Pending litigation.** Nothing in this act shall in any manner affect pending litigation.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Register and Leader, a newspaper published in Des Moines, Iowa, and the Oelwein Register, a newspaper published in Oelwein, Iowa, without expense to the state.

Approved April 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 14, A. D. 1909, and in the Oelwein Register April 21, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 295.

## THE TOWN OF OTO.

H. F. 482.

AN ACT legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Oto, Woodbury county, Iowa.

WHEREAS, The town of Oto, Woodbury county, Iowa, through its council, passed and adopted ordinances and resolutions and performed such other acts as properly devolve upon said council by law; and

WHEREAS, In many instances the records of such acts, proceedings, ordinances and resolutions fail to show what members of the said town council were present at the meeting when such proceedings were had and such acts, ordinances and resolutions were passed; fail to show that a sufficient number of members were present at the meeting to legally pass the same; fail to show that the rule was suspended by a three-fourths vote of said council; fail to show that the yeas and nays were called on the passage thereof and recorded; and

WHEREAS, In many of said ordinances the subject therein contained is not clearly expressed, or not set forth at all, in the title thereof, as required by law; and

WHEREAS, In many cases the ordinances and resolutions were not recorded, after passage, in a book kept for that purpose and duly authenticated by the signature of the mayor, or presiding officer of the council, and the clerk; and

WHEREAS, In many instances the acts and proceedings of said town, in minor details, were irregular and doubts have arisen as to the legality of the same; therefore,

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

**SECTION 1. Ordinances, resolutions and acts legalized.** That the ordinances, resolutions and acts of the town of Oto, Woodbury county, Iowa, not inconsistent with the laws of the state, and the proceedings of the council of said town of Oto in reference thereto be, and the same are hereby, rectified, confirmed and legalized in every respect, and declared to be valid and binding to the same extent as though all things had been done in strict conformity with the law, and the records of said town showed that all the requirements of the statutes had been fulfilled.

**SEC. 2. Pending litigation.** Nothing in this act shall affect pending litigation.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Oto Leader, a newspaper published at Oto, Iowa. Which publication shall be without expense to the state.

Approved April 8, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 10, A. D. 1909, and in the Oto Leader April 15, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.



## CHAPTER 296.

## THE TOWN OF OXFORD JUNCTION.

S. F. 121.

AN ACT to legalize certain ordinances of the town of Oxford Junction, Jones county, Iowa.

WHEREAS, Certain ordinances, hereinafter particularly specified, of the town of Oxford Junction, Jones county, Iowa, were in good faith adopted and passed by the town council of said town, and

WHEREAS, The records of said town council were defectively kept and failed to show the proceedings fully had and done by the council in the adoption of said ordinances, and in the case of several ordinances the record thereof was not duly signed and attested by the recorder, and

WHEREAS, Said ordinances were read in council and published as by law required, and

WHEREAS, The town council of said town of Oxford Junction has acted upon said ordinances, made improvements thereunder and otherwise treated said ordinances as legal and binding, and they have so been treated by the officials and citizens of said town, and

WHEREAS, Because of the defects referred to, doubts have arisen as to the legality of said ordinances, now therefore,

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

SECTION 1. **Ordinances legalized—pending litigation.** That all said ordinances be and the same are hereby legalized and declared to be valid the same as though the law had in all respects been strictly complied with and the same as though the law had required nothing more to be done than was done, and the same as though in each instance it had required to be done just what was done and in the manner it was done. Said ordinances are as follows:

Ordinance No. 8, adopted May 18, 1891, entitled: "An ordinance prohibiting stock from running at large;"

Ordinance No. 11, adopted April 16, 1894, entitled: "An ordinance to provide for the levy of poll tax and the working out of the same in the incorporated town of Oxford Junction, Iowa;"

Ordinance No. 12, adopted May 6, 1895, entitled: "An ordinance prohibiting the riding or running of bicycles, etc., upon the sidewalks;"

Ordinance No. 13, adopted March 29, 1897, entitled: "An ordinance prohibiting children under a certain age from remaining on the streets, alleys and public grounds after certain hours of the day;"

Ordinance No. 14, adopted May 3, 1897, entitled: "An ordinance taxing dray wagons;"

Ordinance No. 15, adopted May 17, 1897, entitled: "An ordinance regulating the construction of and the repairing of sidewalks;"

Ordinance No. 17, adopted October 5, 1897, entitled: "An ordinance on misdemeanors;"

Ordinance No. 18, adopted December 6, 1897, entitled: "An ordinance restraining stock from running at large within the limits of the corporation, and to authorize the distraining, impounding and sale of the same;"

Ordinance No. 19, adopted February 10, 1897, entitled: "An ordinance providing for the cleaning or [of] snow from the sidewalks;"

Ordinance No. 20, adopted August 1, 1898, entitled: "An ordinance restraining dogs from running at large and providing for the licensing of and disposing of same when found running at large without being licensed;"

Ordinance No. 21, adopted December 19, 1898, entitled: "An ordinance concerning the sale of intoxicating liquors and the running of mullet saloons;"

Ordinance No. 22, adopted March 20, 1899, entitled: "An ordinance establishing water rates, rules and regulations;"

Ordinance No. 23, adopted October 1, 1900, entitled: "An ordinance granting a franchise to J. R. Zinn & Son, their successors or assigns, to construct, maintain and operate an electric light and power plant in the incorporated town of Oxford Junction, Jones county, Iowa;"

Ordinance No. 24, adopted October 15, 1900, entitled: "An ordinance instructing and authorizing the mayor and recorder of Oxford Junction, Iowa, to sign and enforce certain contracts;"

Ordinance No. 25, adopted February 4, 1901, entitled: "An ordinance regulating the operation of railway trains in the incorporated town of Oxford Junction, Iowa, prohibiting said trains obstructing streets and alleys of said town, and providing penalties for its violation;"

Ordinance No. 26, adopted July 7, 1902, entitled: "An ordinance governing and controlling Zinn Telephone Company and granting Harry A. and Frank E. Zinn, their successors, or assigns, the right to erect and maintain their poles and lines in the town of Oxford Junction, Iowa, on the conditions herein provided;"

Ordinance No. 27, adopted January 19, 1903, entitled: "An ordinance licensing and regulating the running of billiard and pool tables and nine and ten-pin alleys within the incorporated limits of Oxford Junction, Iowa;"

Ordinance No. 28, adopted January 19, 1903, entitled: "An ordinance prohibiting minors, drunkards, intoxicated persons and persons who have taken any of the so-called cures for drunkenness from entering any room where intoxicating liquors are sold or kept for sale, or buying for or giving to any such persons any intoxicating liquors within the incorporated town of Oxford Junction, Iowa;"

Ordinance No. 29, adopted January 4, 1905, entitled: "An ordinance requiring dogs to be muzzled;"

Ordinance No. 31, adopted August 6, 1906, entitled: "An ordinance taxing transient business within the city of Oxford Junction, Iowa, and defining transient merchants;"

Ordinance No. 32, adopted October 1, 1906, entitled: "An ordinance for the establishing of street grades in and for the town of Oxford Junction, Iowa;"

Ordinance No. 33, adopted March 4, 1907, entitled: "An ordinance governing the rate of license for circuses, traveling shows, menageries and other traveling attractions;"

Ordinance No. 35, adopted September 7, 1908, entitled: "An ordinance requiring all sidewalks hereafter built or constructed within the city limits of Oxford Junction, Jones county, Iowa, to be built of cement;"

This act shall in no wise affect pending litigation, nor validate any provision in excess of the powers delegated to cities and towns by law."

**SEC. 2. In effect.** This act being deemed of immediate importance shall be in full force and effect as soon as the same is published in the "Oxford Mirror," a newspaper published at Oxford Junction, Jones county, Iowa, and the Register and Leader, a newspaper published at Des Moines, Iowa, as provided by law, without expense to the state.

Approved February 26, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 1, A. D. 1909, and in the Oxford Mirror, March 4, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 297.

## THE TOWN OF PACKWOOD.

H. F. 381.

AN ACT to legalize the incorporation of the town of Packwood, Jefferson county, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

WHEREAS, Doubt exists as to the legality of the incorporation of the town of Packwood, Jefferson county, Iowa, the election of its officers, official acts done, and the ordinances and resolutions passed by the town council of said town; therefore,

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

SECTION 1. **Incorporation and ordinances legalized—pending litigation.** That the incorporation of the town of Packwood, Jefferson county, Iowa, the election of its officers and all acts done and the ordinances and resolutions passed by the town council of said town, not in contravention of the laws of the state, are hereby legalized and the same are hereby declared to be valid and binding the same as though the law had been, in all respects, strictly complied with in the incorporation of said town, the election of its officers, and all official acts done, and the passage of its ordinances and resolutions, provided that nothing in this act shall in any wise affect pending litigation.

SEC. 2. **In effect.** This act being of immediate importance shall be in force and effect from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and in the Packwood Review, a paper published at Packwood, Iowa, without expense to the state.

Approved March 29, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 31, A. D. 1909, and in the Packwood Review April 8, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 298.

## ESTABLISHMENT OF THE SUPERIOR COURT AT PERRY, IOWA.

S. F. 170.

AN ACT to legalize the establishment of the superior court of the city of Perry, Dallas county, state of Iowa, and all the proceedings in the matter of establishing said court and the acts of all the officers of said city of Perry in relation to the establishment of said court, the issuance of the proclamation by the mayor and the election held on said establishment and the vote of the electors in establishing said court and the canvassing said vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments, and decrees of said judges and the court and all the proceedings in said court and the official acts of the clerk thereof or any other officer of said court, legalizing all the aforesaid matters, acts, and proceedings and record as fully and exactly as if the law in every particular had been complied with.

WHEREAS, Doubts have arisen as to the legality of the acts of the officers of the city of Perry, Dallas county, State of Iowa, in issuing a proclamation by the mayor for an election, holding an election on the question of establishing a superior court at the city of Perry, Dallas county, State of Iowa, and the canvassing of the votes and the declaring the result, and all the proceedings in reference to the establishment of said court at said city and the appointment and election of a judge of said court, and the official acts, judgments, and de-

crees of the judges and said court and all the records of said court and the official acts of the officers of said court. Now therefore,

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

**SECTION 1. Establishment of superior court, election, acts, decrees, etc., legalized—pending litigation.** That the establishment of the superior court of the city of Perry, Dallas county, state of Iowa, and all of the proceedings in the matter of the establishing said court and the acts of all the officers of the city of Perry, in relation to the establishment of said court and the issuance of the proclamation by the mayor and the election on said matter and the vote of the electors in establishing said court and the canvassing the vote and the declaring the result and the appointment of the judge thereof and the election of his successor and the official acts, orders, judgments, and decrees of said judges and the court and all the proceedings in said court and all the records of said court and official acts of the clerk thereof or any other officers of said court are hereby legalized and given as full force and effect as if the law in every particular had been complied with in all of said matters and in all of said proceedings, and as if that all of said matters, acts, and proceedings had been in conformity to law. Provided, however, that this act shall not affect pending litigation.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Chief-Reporter, a newspaper published at Perry, Dallas county, Iowa, as provided by law without expense to the state.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 27, A. D. 1909, and in the Perry Daily Chief March 30, A. D. 1909.

W. C. HAYWARD,

*Secretary of State.*

## CHAPTER 299.

### THE TOWN OF POCAHONTAS.

S. F. 342.

AN ACT legalizing and curing the acts and proceedings of the incorporated town of Pocahontas and the town council of said incorporated town, in the county of Pocahontas and state of Iowa, in relation to the establishment, erection and maintenance and extension of a system of water-works in said town, and the issuance of warrants of said town in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by its warrants.

WHEREAS, The qualified electors of the incorporated town of Pocahontas, in the county of Pocahontas and state of Iowa, did on or about August 19th, 1901, at a special election held for such purpose, vote in favor of the establishment and erection of a system of water-works within said town, and;

WHEREAS, The town council of said town, in pursuance of said election, established, erected and are maintaining a system of water-works within and for said town, and;

WHEREAS, The indebtedness of said town created for the establishment, erection and maintenance of said system of water-works, exceed the amount authorized by the statutes of Iowa at the time of creating the same, and;

WHEREAS, The said town council failed to, or were unable to issue bonds in payment of said indebtedness, and;

WHEREAS, The said town council issued the warrants of said town in payment of the indebtedness of said town, created and incurred for the erection, establishment and maintenance of said water-works system, and;

WHEREAS, The said town has used its general revenues for the purpose of paying and taking up a large portion of the warrants issued in payment for said water-works system, and has issued warrants against its general fund in payment for the establishment, erection and maintenance of said water-works system, and for the general running expense of said town, and;

WHEREAS, A large number of said warrants are still outstanding and unpaid, and;

WHEREAS, The costs of the establishment, erection and maintenance of such system of water-works, exceeded the amount of the present floating indebtedness of said town represented by its warrants, and;

WHEREAS, Doubts have arisen as to the legality of the acts and proceedings of the said town in relation to the establishment, erection and maintenance of the said water-works system, and the warrants issued in payment therefor, and;

WHEREAS, The amount of said indebtedness has never exceeded the limit prescribed by section three (3), of article eleven (11), of the constitution of the state of Iowa, and;

WHEREAS, It is the desire of the said incorporated town, and the citizens thereof, that the acts and proceedings of said incorporated town, and the said town council, in relation to the establishment, erection and maintenance of said water-works system, and the indebtedness created and incurred therefor, and the warrants issued in payment of said indebtedness shall be cured and legalized.

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

**SECTION 1. Acts and warrants legalized.** That all acts of the incorporated town of Pocahontas, in the county of Pocahontas and state of Iowa, and of the town council of said incorporated town of Pocahontas, relating to the establishment, erection and maintenance and extension of a water-works system within said incorporated town, and relating to the indebtedness created and incurred therefor, and relating to the issuing of warrants of said town in payment of said indebtedness, be and the same are hereby cured and legalized and the said indebtedness and the outstanding warrants of said town, are hereby legalized and established as a valid and binding indebtedness of said town, with the same force and effect as if the same had been legal and valid at the time of incurring said indebtedness and issuing said warrants.

**SEC. 2. Bond issue authorized.** That the said incorporated town of Pocahontas and the town council of said town, be and they are hereby authorized to issue the bonds of said town for the purpose of liquidating and taking up the floating indebtedness of said town, represented by the said town warrants now outstanding, provided, however, that the amount thereof shall not exceed in the aggregate added to all other indebtedness of said town, five per cent of the actual value of the taxable property within such incorporated town. Such value to be ascertained by the last state and county tax list, previous to the incurring of such indebtedness.

**SEC. 3. Payment of bonds and interest authorized.** That the said incorporated town of Pocahontas, and the town council of said incorporated town, be and they are hereby authorized to provide for the payment of said bonds and the interest thereon in the same manner as is provided by the statutes of Iowa, in relation to the payment of bonds and interest thereon, issued for the construction of water-works.

**SEC. 4. Pending litigation.** Nothing in this act shall be in any way construed so as to effect pending litigations.

Approved April 7, A. D. 1909.

## CHAPTER 300.

## THE CITY OF SIOUX CITY.

H. F. 445.

AN ACT to legalize certain actions of the city council of the city of Sioux City, Iowa, relating to the transfer of moneys from the library bond fund to the judgment fund.

WHEREAS, The city of Sioux City has heretofore levied and collected taxes for a library loan fund; and

WHEREAS, All the library bonds outstanding have now been fully paid by the city of Sioux City, and there is a surplus in the library bond fund amounting to thirteen hundred fifty dollars (\$1,350.00); and

WHEREAS, There is a judgment against the library and building association of Sioux City, Iowa, a corporation organized for the purpose of erecting a building, now owned by the city of Sioux City, for a library building; and

WHEREAS, Said judgment is primarily a judgment against the city by virtue of the fact that the library building has at all times been held in trust by the library association for the city, and the city of Sioux City has been the real owner and the real party in interest; and

WHEREAS, The judgment above referred to is far in excess of the surplus in the library bond fund, and said surplus could be used for the purpose of paying said judgment by transferring the same to the judgment fund;

*Be it, therefore, enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Transfer of moneys legalized.** That the city council of the city of Sioux City, Iowa, be and is hereby authorized to transfer any and all surplus in its library bond fund to its judgment fund, and such transfer is hereby legalized and made valid.

**SEC. 2. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, and Des Moines Daily Capital, newspapers published in Des Moines, Iowa, said publication to be without expense to the state.

Approved April 1, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 2, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 301.

## THE TOWN OF WELDON.

H. F. 539.

AN ACT to legalize the election in the incorporated town of Weldon, Decatur county, Iowa.

WHEREAS, At the town election of the incorporated town of Weldon, Iowa, held on the 29th day of March, 1909, F. L. Hall was elected to the office of town treasurer and clerk for said town, and

WHEREAS, Doubts have arisen in regard to the legality of election of said treasurer and clerk on account of his name appearing twice on the ballot, therefor, to remove all doubts about the legality of said town election, the following legalizing act is asked for:

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

**SECTION 1. Election legalized.** That the town election in the incorporated town of Weldon, Iowa, held on the 29th day of March, 1909, for the election

of town officers, be and the same is hereby legalized and of full force and effect in law, and all the acts of the officers in regard to said town election are hereby declared legal and in full force and effect.

Approved April 12, A. D. 1909.

## CHAPTER 302.

### SCHOOL TOWNSHIP OF WILSON, OSCEOLA COUNTY.

S. F. 310.

AN ACT to legalize the acts of the board of directors of the school township of Wilson in the county of Osceola and state of Iowa in authorizing a school house to be built in subdivision number four (4) in said school township and in levying a tax therefor.

WHEREAS, At the annual meeting of the electors of the school township of Wilson, in the county of Osceola and state of Iowa, held on the 9th day of March, A. D. 1908, a vote was taken, and declared carried, by said electors upon the question of building a school house in subdistrict number four (4) in said school township, and

WHEREAS, Proper notice had not been given (as required by law) that this question was to be voted upon at such election, and

WHEREAS, The school township board of said school township acted thereon and caused said school house tax to be levied, in conformity with such vote and determination of said electors, and

WHEREAS, Taxes have been assessed, levied and collected, and are being collected in such school township, for the payment of said school house and for the keeping and maintaining of same, therefore,

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

**SECTION 1. Election legalized.** That the election held on the 9th day of March, A. D. 1908, authorizing the board of directors of the township of Wilson and county of Osceola, to build a school house in subdistrict number four (4) of the school township of Wilson and county of Osceola, and the state of Iowa, and to levy taxes therefor, be and the same is hereby legalized.

**SEC. 2. Acts, assessment, levy and collection of taxes legalized.** That the acts and determinations of the school township board of directors of the school township of Wilson, county of Osceola, and state of Iowa, in causing such school house to be built in subdistrict number four (4) of said school township, and the assessment, levy and collection of taxes, to pay for and equip the same are hereby legalized.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Polk county, Iowa, which publication shall be without expense to the state.

Approved April 3, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital, April 5, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.

## CHAPTER 303.

## OTTUMWA CEMETERY ASSOCIATION.

S. F. 267.

AN ACT to legalize the elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates of the Ottumwa Cemetery Association.

WHEREAS, On or about the 30th day of March, 1857, the Ottumwa cemetery Association, of Ottumwa, Wapello county, Iowa, was duly incorporated under the provisions of the code of 1851; and,

WHEREAS, Said incorporation has never been extended or renewed and said Ottumwa cemetery association has never reincorporated; and,

WHEREAS, Said Ottumwa cemetery association has acquired and owns real estate situated in and adjacent to the city of Ottumwa, Wapello county, Iowa, which is used, improved and maintained by it as a cemetery, and it has continued to hold its meetings, elect officers and trustees and carry on its affairs and control, maintain, improve and operate a cemetery in accordance with its articles of incorporation, by-laws, rules and regulations, and from time to time have made, operated and amended resolutions, by-laws, and rules and regulations, and has sold lots in its cemetery and issued certificates to the purchasers thereof subject to its articles of incorporation, by-laws, rules and regulations, and made contracts; and,

WHEREAS, A question has arisen as to whether the duration of said corporation was limited to a term of years or was without limit, and a question has arisen as to the validity of its elections, acts and transactions, resolutions, by-laws, rules and regulations, contracts and certificates to purchasers of lots, and the rights to its property; therefore,

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

**SECTION 1. Articles of incorporation extended.** That the articles of incorporation of the Ottumwa cemetery association made and adopted on March 30th, 1857, be and the same are without limit unless terminated by the act of the general assembly.

**SEC. 2. Elections, acts, transactions, etc., legalized — pending litigation.** That all of the elections, acts and transactions, by-laws, rules and regulations, resolutions, contracts, and certificates of said Ottumwa cemetery association, are legal, valid and binding and of the same force and effect as if no question had existed as to the duration of said corporation, and that upon the adoption of new articles of incorporation in compliance with the laws of the state of Iowa by the trustees of said Ottumwa cemetery association who may be acting as such trustees at the time of the adoption of such new articles of incorporation, within six months from the time of the taking effect of this act, the said Ottumwa cemetery association as thus reincorporated, shall succeed and acquire all the rights, privileges, liabilities and property of the said association as confirmed and legalized by this act, including the title to the real estate held by the said Ottumwa cemetery association; provided, that nothing in this act shall affect pending litigation.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect on and after its publication in the Register and Leader and the Ottumwa Review, newspapers published in cities of Des Moines, Iowa, and Ottumwa, Iowa, respectively, said publication being without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Ottumwa Review April 9, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.



## CHAPTER 304.

## ACTS OF JOHN MENZ AS TREASURER OF LEE COUNTY.

S. F. 407.

AN ACT to legalize the acts of John Menz as treasurer of Lee county, by reason of deposits of county and other funds in the commercial bank of Keokuk, Iowa.

WHEREAS, John Menz, treasurer of Lee county, Iowa, deposited part of the funds of Lee county in the commercial bank of Keokuk, by the bankruptcy of which said deposits were lost without any fault on the part of said treasurer, therefore,

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

SECTION 1. **Depositing of county funds legalized.** That the depositing of funds of Lee county, Iowa, in the commercial bank of Keokuk by John Menz as treasurer of said county, be and the same is hereby legalized and validated and shall have the same force and effect as if fully and in every respect authorized by law.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Standard, a newspaper published at Keokuk, Iowa, said publications to be without expense to the state.

Approved April 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 15, A. D. 1909, and in the Standard April 24, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

# JOINT RESOLUTIONS

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## HOUSE JOINT RESOLUTION NO. 1.

### ADDITIONAL EMPLOYEES OF GENERAL ASSEMBLY.

Relating to the selection of additional employes of the thirty-third general assembly, fixing their compensation and defining their duties.

*Be it resolved by the General Assembly of the State of Iowa:*

SECTION 1. The custodian is hereby authorized and directed to appoint nine persons to be designated as assistants to the custodian, whose duties shall be by him determined, and whose salaries shall be sixty dollars per month each.

SEC. 2. The secretary of state is hereby authorized and directed to appoint two clerks for service in the document room at a salary of sixty dollars per month each.

SEC. 3. The secretary of the executive council is hereby authorized and directed to appoint a clerk for service in the supply department at a salary of sixty dollars per month.

SEC. 4. The custodian is hereby authorized and directed to appoint three experienced elevator tenders at a salary of sixty dollars per month each.

SEC. 5. W. J. Jones of Monroe county is hereby appointed mail carrier.

SEC. 6. The secretary of the senate and the chief clerk of the house are hereby directed to prepare a pay roll for all employes appointed under this resolution, the same to be countersigned by the president of the senate and the speaker of the house and presented to the auditor of state.

SEC. 7. The secretary of state is hereby authorized to retain as many clerks, hereby appointed to serve in the document room, as he may deem necessary, for a period of time not exceeding two weeks after the adjournment of the thirty-third general assembly.

Approved January 25, A. D. 1909.

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## HOUSE JOINT RESOLUTION NO. 2.

### ADMISSION OF THE STATE EDUCATIONAL INSTITUTIONS TO THE RIGHTS AND PRIVILEGES OF THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING.

HOUSE JOINT RESOLUTION providing for and empowering the board of regents of the state university, the trustees of the Iowa state college of agriculture and mechanic arts and the trustees of the state teachers college at Cedar Falls to make application for the admission of these state institutions to the rights and privileges of the Carnegie foundation for the advancement of teaching and to receive the same.

*Be it resolved by the General Assembly of the State of Iowa:*

That the board of regents of the state university, trustees of the Iowa state college of agriculture and mechanic arts and the trustees of the state teachers' college at Cedar Falls be and the same are hereby empowered to make application for and receive for the benefit of teachers of their respective institutions the rights and privileges of the Carnegie foundation for the advancement of teaching.

Approved April 6, A. D. 1909.

## SENATE JOINT RESOLUTION NO. 5.

APPROVING ESTIMATES OF COST, PLANS AND SPECIFICATIONS FOR BUILDINGS  
AT THE AGRICULTURAL COLLEGE.

SENATE JOINT RESOLUTION approving estimates of cost, plans and specifications for completion of buildings, and erection of new buildings at the state college of agriculture and mechanic arts.

JOINT RESOLUTION cancelling approval of estimate of cost, plans and specifications of an addition to Margaret hall and approving estimates of cost, plans and specifications for the completion of the hall of agriculture, completion of the general engineering laboratory, and erection of a ceramics building, domestic technology building, veterinary department building, and gymnasium, auditorium and armory building, and authorizing the completion and erection of said buildings.

WHEREAS, The board of trustees of the Iowa state college of agriculture and mechanic arts has submitted to the thirty-third general assembly of the state of Iowa estimates of cost, plans and specifications for completion of buildings and erection of buildings, to-wit:

Completion of the hall of agriculture, completion of the general engineering laboratory, the erection of a ceramics building, domestic technology building, veterinary department building, gymnasium, auditorium and armory building to be completed and erected under the provision of chapter one hundred and eighty-four (184) of the acts of the thirty-first general assembly; and,

WHEREAS, Said estimates of cost, plans and specifications are in every way proper and suitable, therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

SECTION 1. That the plans and specifications for the completion of the hall of agriculture at a cost not to exceed seventeen thousand (\$17,000) dollars, completion of a general engineering laboratory at a cost not to exceed five thousand seven hundred fifty (\$5,750) dollars, erection of a ceramics building at a cost not to exceed fifteen thousand (\$15,000) dollars, domestic technology building at a cost not to exceed seventy-five thousand (\$75,000) dollars, veterinary department building at a cost not to exceed one hundred fifty thousand (\$150,000) dollars, and gymnasium, auditorium and armory building at a cost not to exceed one hundred fifty thousand (\$150,000) dollars, submitted to the general assembly of Iowa for approval, are hereby approved.

The board of trustees may proceed to the completion of the hall of agriculture, and the general engineering laboratory, and with the erection of the ceramics building.

The board of trustees shall not take any steps whatever in reference to the letting of contracts and erection of the other buildings authorized by this resolution, and the state board of education is hereby authorized to determine the order in which it will erect the buildings over which it shall exercise authority. It may change the plans so as to reduce the cost of erecting of any of said buildings and may withhold the construction of any if it shall deem it advisable.

The authorization heretofore granted for the erection of an addition to Margaret hall is hereby withdrawn.

Approved April 13, A. D. 1909.

## SENATE JOINT RESOLUTION NO. 6.

## NUMBER AND COMPENSATION OF EMPLOYES OF STATE DEPARTMENTS.

SENATE JOINT RESOLUTION fixing the number and compensation of employes in the department of state at the seat of government.

*Be it resolved by the General Assembly of the State of Iowa:*

Until July 1, 1911, the number of employes for the various offices at the seat of government, unless otherwise provided by law, shall at no time exceed the number named herein, and their compensation shall be amounts herein fixed.

## For the office of the Attorney General.

Per annum

|   |            |
|---|------------|
| One assistant to the attorney general.....                          | \$1,800.00 |
| One stenographer at a salary of.....                                | 900.00     |
| Additional assistance and contingent fund not to exceed the sum of. | 5,000.00   |

## For the office of Auditor of State.

|   |          |
|---|----------|
| One chief clerk in the insurance department at a salary of.....   | 1,800.00 |
| One securities clerk in the insurance department, who shall give bond, at a salary of.....  | 1,500.00 |
| One fee clerk in the insurance department, who shall give bond, at a salary of.....   | 1,400.00 |
| Extra clerical assistance in insurance, revenue and banking departments, expense in adjusting accounts between the state and counties, expense in attending meetings of the insurance commissioners and such other expenses as shall be approved by the executive council, not to exceed..... | 1,000.00 |
| One chief clerk in the revenue department at a salary of.....   | 1,600.00 |
| One chief clerk in the banking department at a salary of.....   | 1,600.00 |
| One assistant clerk in the banking department at a salary of.....   | 1,000.00 |
| Four stenographers at salaries, each, of.....   | 900.00   |
| One janitor at a salary of.....   | 780.00   |
| One chief clerk in the department of municipal accounting, also to serve as general clerk.....  | 1,500.00 |
| One additional clerk at salary of.....  | 1,200.00 |

## For the office of the Clerk of the Supreme Court.

|  |          |
|--|----------|
| One clerk at a salary of.....  | 1,200.00 |
| One clerk at a salary of.....  | 900.00   |
| One messenger who shall perform such duties about his office and for the supreme court room proper as the clerk may order, at a salary of..... | 840.00   |

## For the office of Governor.

|  |          |
|--|----------|
| One pardon clerk at a salary of.....                                 | 1,200.00 |
| One requisition clerk at a salary of.....                            | 1,300.00 |
| One general clerk at a salary of.....                                | 900.00   |
| One notarial clerk and stenographer at a salary of.....              | 900.00   |
| One messenger and usher, who shall act as janitor, at a salary of... | 900.00   |

## JOINT RESOLUTIONS OF THE THIRTY-THIRD GENERAL ASSEMBLY.

## For the State Librarian's Office.

|  |          |
|--|----------|
| One cataloger at a salary of.....  | 1,000.00 |
| One stenographer and bookkeeper at a salary of.....  | 900.00   |
| One janitor at a salary of.....  | 780.00   |
| One legislative and general reference assistant, (who shall be under the direction of assistant to librarian)..... | 1,000.00 |

## For the office of Railroad Commissioners.

|  |          |
|--|----------|
| One general clerk at a salary of.....                        | 1,200.00 |
| One statistical and rate clerk at a salary of.....           | 1,200.00 |
| One assistant statistical and rate clerk at a salary of..... | 780.00   |
| One stenographer at a salary of.....                         | 900.00   |
| One stenographer at a salary of.....                         | 780.00   |

## For the office of Secretary of State.

|  |          |
|--|----------|
| One chief clerk (who shall give bond) at a salary of.....            | 1,500.00 |
| One corporation clerk at a salary of.....                            | 1,200.00 |
| One assistant corporation clerk at a salary of.....                  | 1,200.00 |
| One general clerk at a salary of.....                                | 1,200.00 |
| One stenographer at a salary of.....                                 | 900.00   |
| One librarian of document department at a salary of.....             | 1,200.00 |
| One document clerk and accountant for storage building not to exceed | 1,200.00 |
| Extra clerical assistance and help in storage building.....          | 1,000.00 |
| One janitor and messenger at a salary of.....                        | 900.00   |

## For the office of Superintendent of Public Instruction.

|   |        |
|---|--------|
| One stenographer at a salary of.....              | 900.00 |
| One janitor at a salary of.....                   | 780.00 |
| For extra clerical assistance, not to exceed..... | 500.00 |

## For the Supreme Court Rooms.

|  |          |
|--|----------|
| One bailiff who shall also act as messenger and perform such other duties as the supreme court may order at a salary of..... | 900.00   |
| For stenographic and messenger service, not to exceed.....   | 5,400.00 |

## For the office of Treasurer of State.

|  |          |
|--|----------|
| One cashier (who shall give bond) at a salary of.....                | 1,500.00 |
| One bookkeeper at a salary of.....                                   | 1,200.00 |
| One general clerk at a salary of.....                                | 1,200.00 |
| One stenographer at a salary of.....                                 | 900.00   |
| One watchman who shall be janitor at a salary of.....                | 780.00   |
| For additional clerical assistance and contingent, not to exceed.... | 600.00   |

## For the Historical Department.

|   |          |
|---|----------|
| Assistant curator at a salary of.....                                 | 1,200.00 |
| One clerk and stenographer at a salary of.....                        | 1,000.00 |
| One museum curator at a salary of.....                                | 1,000.00 |
| Three janitors for the historical building at salaries, each, of..... | 780.00   |
| One night watchman at a salary of.....                                | 840.00   |

## For the Executive Council.

|                                   |          |
|-----------------------------------|----------|
| One secretary at a salary of..... | 1,800.00 |
| One clerk at a salary of.....     | 1,600.00 |

## JOINT RESOLUTIONS OF THE THIRTY-THIRD GENERAL ASSEMBLY.

|  |          |
|--|----------|
| One clerk at a salary of.....  | 1,000.00 |
| One general clerk at a salary of.....  | 900.00   |
| One stenographer at a salary of.....   | 900.00   |
| One postmaster and mail-carrier, with horse and wagon, at a salary of  | 1,400.00 |
| For janitor service for office of secretary of executive council and supply department, and to act as messenger for delivery of supplies from storage building or elsewhere, the sum of..... | 480.00   |

## For the Board of Control.

|   |          |
|---|----------|
| One chief accountant at a salary of not to exceed.....                | 1,800.00 |
| One storekeeper and clerk at a salary of not to exceed.....           | 900.00   |
| One estimate clerk at a salary of not to exceed.....                  | 1,200.00 |
| One stenographer and proofreader, at a salary of not to exceed....    | 1,000.00 |
| Three stenographers and clerks at salaries, each, of not to exceed... | 900.00   |
| One clerk and janitor at a salary of not to exceed.....               | 780.00   |
| For extra clerical assistance not to exceed.....                      | 1,500.00 |

## For the department of the Geological Survey.

|   |          |
|---|----------|
| One secretary and clerk at a salary of..... | 1,100.00 |
|---|----------|

## For Weather and Crop Service.

|  |          |
|--|----------|
| Director's salary .....                | 1,500.00 |
| Clerical assistance not to exceed..... | 720.00   |

## For the office of State Mine Inspector.

|                               |          |
|-------------------------------|----------|
| One clerk at a salary of..... | 1,000.00 |
|-------------------------------|----------|

## For the office of the State Board of Health.

|   |        |
|---|--------|
| One clerk and stenographer at a salary of.....          | 900.00 |
| Extra clerical assistance not to exceed the sum of..... | 900.00 |

## For the office of Supreme Court Reporter.

|   |        |
|---|--------|
| One clerk at a salary of not to exceed..... | 720.00 |
|---|--------|

## For the office of the Library Commission.

|  |          |
|--|----------|
| One secretary at a salary of.....  | 1,600.00 |
| One librarian (traveling library) at a salary of.....                              | 900.00   |
| One field and reference assistant at a salary of.....                              | 900.00   |
| One library organizer at a salary of.....  | 720.00   |
| One clerk and general stenographer, at a salary of.....                            | 720.00   |
| For extra help as needed, including service of shipping clerk, not to exceed ..... | 780.00   |

## For the office of the State Pharmacy Commission.

|  |          |
|--|----------|
| One secretary at a salary of.....                | 1,500.00 |
| For extra clerical assistance not to exceed..... | 150.00   |

## For the office of the Food and Dairy Commissioner.

|   |          |
|---|----------|
| One clerk at a salary of.....   | 1,000.00 |
| One clerk at a salary of.....   | 900.00   |
| One janitor for rooms occupied by food and dairy commissioner and state veterinarian, at a salary of..... | 780.00   |

## JOINT RESOLUTIONS OF THE THIRTY-THIRD GENERAL ASSEMBLY.

(For janitors for certain offices.)

|  |        |
|--|--------|
| For the offices of the department of agriculture (agricultural society) and state board of health there shall be one janitor to be selected by them, at a salary of..... | 780.00 |
| For the offices of the pharmacy department, mining inspector and labor bureau, there shall be one janitor, to be selected by the custodian, at a salary of.....          | 780.00 |
| For the offices of the adjutant general, G. A. R. department, and geological survey, there shall be one janitor, selected by them, at a salary of.....                   | 780.00 |
| For the offices of the railroad commissioners, horticultural department, and attorney general, there shall be one janitor, selected by them, at a salary of.....         | 780.00 |
| The last four janitors shall be upon the custodian's pay roll.   |        |

To be employed by the Custodian of Public Buildings and Property.

|   |          |
|---|----------|
| One chief engineer at a salary of not to exceed.....  | 1,500.00 |
| One first assistant engineer at a salary of not to exceed.....                              | 1,200.00 |
| One second assistant engineer at a salary of not to exceed.....                             | 1,000.00 |
| One electrician and machinist at a salary of not to exceed.....                             | 1,200.00 |
| One carpenter at a salary of not to exceed.....   | 1,000.00 |
| One chief of police at a salary of.....   | 900.00   |
| Two night watchmen at salaries, each, of.....   | 900.00   |
| One boiler washer, at a salary of.....  | 900.00   |
| Necessary firemen (estimated at an average of six) at salaries, each of .....               | 840.00   |
| Eight floor janitors at salaries, each, of.....   | 780.00   |
| One storage building janitor, at a salary of.....   | 780.00   |
| One janitress to have charge of the ladies' toilet rooms at salary of....                   | 780.00   |
| One elevator tender at a salary of.....   | 780.00   |
| Allowance for washing towels, not to exceed.....  | 500.00   |
| One florist for six months at a salary of not to exceed \$70.00 per month, or total of..... | 420.00   |
| Two yard men for six months at salaries each of \$60.00 per month, or a total of.....       | 720.00   |
| Extra help as may be needed, not to exceed.....   | 720.00   |

For the Bureau of Labor Statistics.

|  |        |
|--|--------|
| One clerk and statistician at a salary of..... | 900.00 |
|--|--------|

All janitors employed under the provisions of this resolution, shall at all times be subject to the orders of the custodian to perform any additional service, by way of rendering assistance to the state house engineers, carpenter, supply department, historical department, or any other labor that may be necessary about the capitol or upon the capitol grounds, at such hours as they are not necessarily employed in their regular janitor work, and it shall be the duty of the custodian to assign such janitors to any such extra service, and he shall discharge any janitor for incompetency, neglect of duty or insubordination.

All employes provided for in this act shall devote their entire time to the service of the state, except that this requirement shall not be interpreted to prevent the allowance of a reasonable vacation, such vacation to be at the discretion of the head of the department or commission interested, and in no case to exceed two weeks in any one year.

## JOINT RESOLUTIONS OF THE THIRTY-THIRD GENERAL ASSEMBLY.

All clerks, janitors and other employes in the departments named in this resolution shall be under the control of the head of the department and may by him be transferred to such work as he shall direct in assisting other clerks or elsewhere in the different branches of the service of the department.

Any head of a department may at any time discharge any clerk or other employe in such department for neglect of duty, insubordination or incapacity.  
Approved April 15, A. D. 1909.

## HOUSE JOINT RESOLUTION NO. 6.

## PARDON OR PAROLE FOR C. H. WOODWARD.

JOINT RESOLUTION authorizing and recommending the pardon or parole of C. H. Woodward, now confined at Fort Madison, Iowa.

*Be it enacted [resolved] by the General Assembly of the State of Iowa:*

SECTION 1. That the governor be authorized to and we recommend he grant a pardon or parole to C. H. Woodward, who is now confined in the state penitentiary at Fort Madison, upon such terms and conditions as the governor may prescribe.

Approved April 15, A. D. 1909.

## SENATE JOINT RESOLUTION NO. 7.

## APPROVING ESTIMATES OF COST, PLANS AND SPECIFICATIONS FOR COMPLETION OF BUILDINGS, AND ERECTION OF NEW BUILDINGS AT THE STATE UNIVERSITY.

SENATE JOINT RESOLUTION approving estimates of cost, plans and specifications for completion of buildings, and erection of new buildings at the state university.

JOINT RESOLUTION approving estimates of cost, plans and specifications for the erection of addition to the physics building, wing to the hospital, and engineering shops, and authorizing the erection of said buildings.

WHEREAS, The board of regents of the state university has submitted to the thirty-third general assembly of the state of Iowa estimates of cost, plans and specifications for erection of addition to the physics building, wing to the hospital, and engineering shops to be completed and erected under the provision of chapter one hundred and eighty-three (183) of the acts of the thirty-first general assembly; and,

WHEREAS, Said estimates of cost, plans and specifications are in every way proper and suitable, therefor,

*Be it resolved by the General Assembly of the State of Iowa:*

SECTION 1. That the plans and specifications for the erection of addition to the physics building at a cost not to exceed sixty-five thousand (\$65,000.00) dollars, erection of a wing to the hospital at a cost not to exceed seventy-five thousand (\$75,000.00) dollars, and the erection of engineering shops at a cost not to exceed twenty thousand (\$20,000.00) dollars, submitted to the general assembly of Iowa for approval, are hereby approved.

The board of regents shall not take any steps whatever in reference to the letting of contracts and erection of buildings authorized by this resolution, other than those that can be completed from the millage tax of 1908 and collected during the year 1909, and the state board of education is hereby authorized to determine the order in which it will erect the buildings over



## JOINT RESOLUTIONS OF THE THIRTY-THIRD GENERAL ASSEMBLY.

which it shall exercise authority. It may change the plans so as to reduce the cost of erecting of any of said buildings and may withhold the construction of any if it shall deem it advisable.

Approved April 12, A. D. 1909.

## HOUSE JOINT RESOLUTION NO. 7.

CHAIR AND GAVEL FOR THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE.

HOUSE JOINT RESOLUTION for the appointment of a joint committee to purchase a chair and gavel for the speaker of the house and the president of the senate.

*Be it resolved by the General Assembly of the State of Iowa:*

SECTION 1. That a joint committee of three from the house and three from the senate be appointed and hereby authorized and directed to purchase a suitable chair and gavel each for the speaker of the house and the president of the senate.

Approved April 12, A. D. 1909.

## HOUSE JOINT RESOLUTION NO. 9.

ELECTION OF UNITED STATES SENATORS.

JOINT RESOLUTION of the thirty-third general assembly of the state of Iowa, making application to the congress of the United States to call a convention for proposing amendments to the constitution of the United States.

WHEREAS, We believe that senators of the United States should be elected directly by the voters; and

WHEREAS, To authorize such direct election, an amendment to the constitution of the United States is necessary; and

WHEREAS, The failure of congress to submit such amendment to the states has made it clear that the only practicable method of securing submission of such amendment to the states is through a constitutional convention to be called by congress upon the application of the legislatures of two-thirds of all the states; therefore

*Be it resolved by the General Assembly of the State of Iowa:*

SECTION 1. That the legislature of the state of Iowa hereby makes application to the congress of the United States, under article V of the constitution of the United States, to call a constitutional convention for proposing amendments to the constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the president of the senate and speaker of the house of the representatives of the United States, with the request that the same shall be laid before the said senate and house.

Approved April 12, A. D. 1909.

## CERTIFICATE

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STATE OF IOWA,  
OFFICE OF SECRETARY OF STATE.

I. W. C. Hayward, secretary of state of the state of Iowa, hereby certify that the acts and joint resolutions herein contained are copied from the enrolled bills and resolutions on file in this office, and that the same are true and correct copies thereof of the acts and joint resolutions of the Thirty-third General Assembly, except that the words embraced in brackets [thus] have been inserted where it is evident that an error or omission has occurred.

In testimony whereof, I have hereunto subscribed my name and caused to be affixed the official seal of my office. Done at Des Moines, the capital of the state, this first day of June, A. D. 1909.

*W. C. Hayward*

*Secretary of State.*

## CONDITION OF THE TREASURY

DEPARTMENT OF AUDITOR OF STATE,  
DES MOINES, IOWA, May, 17, 1909.

HON. W. C. HAYWARD, *Secretary of State.*

DEAR SIR:—In pursuance of section 18 of the constitution of Iowa, I have the honor to submit for publication with the laws of the Thirty-third General Assembly, the following statement of the receipts and expenditures of public moneys for the biennial fiscal period commencing July 1, 1906, and ending June 30, 1908.

Respectfully,

*John L. Beasley.*

*Auditor of State.*

CONDITION OF THE TREASURY.

The amount of funds in the treasury at the close of the last fiscal period ending June 30, 1906, including agricultural college mortgage bonds, was \$1,856,723.27, belonging to the several funds as follows:

|  |                |
|--|----------------|
| General revenue.....                     | \$1,074,788.31 |
| Agricultural College endowment fund..... | 677,089.97     |
| Special State University fund.....       | 41,443.98      |
| Special Agricultural College fund.....   | 44,087.15      |
| Special State Normal School fund.....    | 19,313.86      |
| Total .....                              | \$1,856,723.27 |

The amount received from all sources during the biennial period ending June 30, 1908, was \$8,087,653.56, which was distributed in the several funds as follows:

|   |                |
|---|----------------|
| General revenue .....                               | \$7,247,078.01 |
| Special University tax.....                         | 256,295.85     |
| Special Agricultural College tax.....               | 256,283.80     |
| Special State Normal tax.....                       | 128,122.45     |
| Agricultural College endowment fund.....            | 139,860.00     |
| Agricultural College additional endowment fund..... | 55,000.00      |
| Permanent school fund.....                          | 838.92         |
| Temporary school fund.....                          | 1,159.90       |
| Lake beds .....                                     | 3,014.68       |
| Total .....   | \$8,087,653.56 |

The receipts being added to the balances on hand June 30, 1906, as shown above, makes \$9,944,376.83 as the amount to be accounted for. The disbursements during the biennial period ending June 30, 1908, were as follows:

|  |                |
|--|----------------|
| General revenue .....                    | \$7,677,677.15 |
| Special University tax.....              | 288,142.15     |
| Special Agricultural College tax.....    | 236,495.87     |
| Special State Normal School tax.....     | 122,337.38     |
| Agricultural College endowment fund..... | 151,900.00     |
| Agricultural College endowment fund..... | 55,000.00      |
| Permanent school fund.....               | 838.92         |
| Temporary school fund.....               | 1,159.90       |
| Total .....                              | \$8,533,551.37 |

Leaving a balance in the treasury June 30, 1908, of \$1,410,825.46, belonging to the several funds as follows:

|  |                |
|--|----------------|
| General revenue .....                          | \$ 644,189.17  |
| Agricultural College endowment fund bonds..... | 644,950.00     |
| Agricultural College endowment fund cash.....  | 99.97          |
| Special State University fund.....             | 9,597.68       |
| Special Iowa State College fund.....           | 63,875.08      |
| Special State Normal School fund.....          | 25,098.93      |
| Sale of lake beds.....                         | 3,014.63       |
| Total .....                                    | \$1,410,825.46 |

## CONDITION OF THE TREASURY

## STATEMENT NO. 1.

Showing Receipts and Disbursements During Fiscal Period Ending June 30, 1908.

## RECEIPTS.

|   |                |
|---|----------------|
| General state revenue tax.....  | \$4,031,894.01 |
| Interest on delinquent tax.....   | 20,774.04      |
| Sale of laws by county auditors.....  | 2,208.30       |
| Sale of laws by secretary of state.....   | 1,566.60       |
| Insane and inebriates from counties.....  | 1,152,626.41   |
| Penalty on delinquent insane accounts from counties.....                        | 1,685.18       |
| Blind from counties.....  | 686.32         |
| Deaf from counties.....   | 1,816.41       |
| Feeble-minded from counties.....  | 42,576.07      |
| Orphans' home from counties.....  | 50,183.86      |
| Fees from auditor of state, insurance.....                                      | 111,804.88     |
| Fees from auditor of state, building and loan.....                              | 900.00         |
| Fees from auditor of state, bank examiners.....                                 | 27,156.00      |
| Fees from auditor of state, building and loan examinations.....                 | 555.68         |
| Fees from auditor of state, insurance examinations.....                         | 5,836.13       |
| Fees from auditor of state, municipal examinations.....                         | 4,467.28       |
| Fees from food and dairy commission.....  | 11,875.35      |
| Fees from clerk of supreme court.....   | 6,480.17       |
| Fees from secretary of state.....   | 305,325.89     |
| Fees from board of educational examiners.....                                   | 21,764.00      |
| Fees from state entomologist.....   | 2,170.50       |
| Fees from pharmacy commission.....  | 65,832.00      |
| Fees from board of medical examiners.....                                       | 10,943.60      |
| Fees from board of health, embalmers' department.....                           | 1,646.00       |
| Fees from board of health, nurse department.....                                | 3,675.00       |
| Fees from board of health, maternity hospital.....                              | 50.00          |
| Fees from board of dental examiners.....  | 4,152.00       |
| Fees from board of veterinary examiners.....                                    | 2,027.00       |
| Fees from itinerant physicians' license.....                                    | 2,750.00       |
| From sale of islands in river channels.....                                     | 618.59         |
| Fees from governor, notarial.....   | 2,645.00       |
| From state officers and employes, rebate on mileage.....                        | 3,535.55       |
| From insurance tax.....   | 630,443.07     |
| From collateral inheritance tax.....  | 341,359.93     |
| From equipment car company tax.....   | 12,176.45      |
| From contract labor, Fort Madison.....  | 88,377.29      |
| From contract labor, Anamosa.....   | 12,817.46      |
| From board of United States prisoners, Anamosa.....                             | 351.75         |
| From United States aid, soldiers' home.....                                     | 131,200.00     |
| From mine inspectors, board of examiners.....                                   | 823.00         |
| From interest on average daily deposits in banks.....                           | 27,794.34      |
| From transfer from temporary school fund.....                                   | 1,159.90       |
| From transfer from state university special tax.....                            | 2,142.15       |
| From transfer from agricultural college.....                                    | 1,170.78       |
| Refund and sales by T. E. McCurdy, custodian.....                               | 1,322.11       |
| From refunds by institutions under board of control.....                        | 1,523.72       |
| From support of state patients in state institutions.....                       | 3,365.38       |
| From: refunds by attorney general.....  | 211.85         |
| From sale of geological reports.....  | 93.67          |
| From refund collateral inheritance tax.....                                     | .50            |
| From refunds by adjutant general.....   | 1,589.49       |
| From sale of railroad right of way over state grounds.....                      | 100.00         |
| From refunds by auditor state.....  | 32.15          |
| From refunds account chapter 206, section 1, Thirty-first General Assembly..... | 25.00          |
| From refunds, et of employes, Thirty-second General Assembly.....               | 6.00           |
| From refunds by state printer.....  | 830.66         |
| From refunds governor's contingent fund.....                                    | 58.84          |
| Refund library commission.....  | 135.38         |
| From refunds state square fund.....   | 159.75         |
| From refunds dairy commission.....  | 27.40          |
| From refunds miscellaneous code, 165.....                                       | 35.68          |
| From refunds clerk supreme court.....   | 3.80           |
| From penitentiary at Anamosa, support.....                                      | 9,108.84       |
| From penitentiary at Anamosa, books and periodicals.....                        | 1,910.67       |
| From penitentiary at Anamosa, lectures and entertainments.....                  | 212.33         |
| From penitentiary at Fort Madison, support.....                                 | 3,888.78       |
| From penitentiary at Fort Madison, books and periodicals.....                   | 1,944.94       |
| From penitentiary at Fort Madison, lectures and entertainments.....             | 216.06         |
| From hospital for insane, Cherokee, support.....                                | 7,597.03       |
| From hospital for insane, Clarinda, support.....                                | 4,811.62       |
| From school for deaf, Council Bluffs, support.....                              | 5,989.68       |
| From orphans' home, Davenport, support.....                                     | 3,735.45       |
| From industrial school for boys, Eldora, support.....                           | 4,543.02       |
| From industrial school for girls, Mitchellville, support.....                   | 1,730.57       |
| From institution for feeble-minded, Glenwood, support.....                      | 7,158.04       |
| From: hospital for insane, Independence, support.....                           | 9,688.63       |
| From hospital for inebriates, Knoxville, support.....                           | 2,234.33       |
| From soldiers' home, Marshalltown, support.....                                 | 4,512.35       |
| From hospital for insane, Mount Pleasant, support.....                          | 11,852.52      |
| From state sanatorium Iowa City, support.....                                   | 44.93          |
| From college for blind, support.....  | 5,420.40       |
| Total receipts from all sources.....  | \$7,247,078.01 |
| Balance on hand July 1, 1906.....   | 1,074,788.31   |
| Total to be accounted for.....  | \$8,321,866.32 |

CONDITION OF THE TREASURY

---

DISBURSEMENTS.

|   |                       |
|---|-----------------------|
| Redemption of auditor's warrants.....       | \$7,677,677.15        |
| Balance cash in treasury June 30, 1908..... | 644,189.17            |
| <b>Total</b> .....                          | <b>\$8,321,866.32</b> |

---

SPECIAL UNIVERSITY TAX.

|  |                      |
|--|----------------------|
| Balance on hand July 1, 1906.....      | \$ 41,443.98         |
| Receipts from state tax, .2 mills..... | 256,295.85           |
| <b>Total</b> .....                     | <b>\$ 297,739.83</b> |

DISBURSEMENTS.

|  |                      |
|--|----------------------|
| Redemption of auditor's warrants.....  | \$ 288,142.15        |
| Balance in treasury June 30, 1908..... | 9,597.68             |
| <b>Total</b> .....                     | <b>\$ 297,739.83</b> |

---

SPECIAL IOWA STATE COLLEGE TAX.

|  |                      |
|--|----------------------|
| Balance on hand July 1, 1906.....      | \$ 44,087.15         |
| Receipts from state tax, .2 mills..... | 256,283.80           |
| <b>Total</b> .....                     | <b>\$ 300,370.95</b> |

DISBURSEMENTS.

|  |                      |
|--|----------------------|
| Auditor's warrants redeemed.....       | \$ 236,495.87        |
| Balance in treasury June 30, 1908..... | 63,875.08            |
| <b>Total</b> .....                     | <b>\$ 300,370.95</b> |

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SPECIAL STATE NORMAL SCHOOL TAX.

|                                       |                      |
|---------------------------------------|----------------------|
| Balance on hand July 1, 1906.....     | \$ 19,313.86         |
| Receipts from state tax, .1 mill..... | 128,122.45           |
| <b>Total</b> .....                    | <b>\$ 147,436.31</b> |

DISBURSEMENTS.

|  |                      |
|--|----------------------|
| Auditor's warrants redeemed.....       | \$ 122,337.88        |
| Balance in treasury June 30, 1908..... | 25,098.93            |
| <b>Total</b> .....                     | <b>\$ 147,436.31</b> |

---

AGRICULTURAL COLLEGE ENDOWMENT FUND.

|  |                      |
|--|----------------------|
| Amount of mortgage bonds in treasury July 1, 1906.....       | \$ 677,000.00        |
| Amount of cash in treasury July 1, 1906.....                 | 89.97                |
| Amount received from sale of lands, etc., during period..... | 139,860.00           |
| <b>Total</b> .....   | <b>\$ 816,949.97</b> |

DISBURSEMENTS.

|  |                      |
|--|----------------------|
| Amount disbursed to Herman Knapp, treasurer..... | \$ 151,900.00        |
| Mortgage bonds in treasury June 30, 1908.....    | 664,950.00           |
| Cash in treasury.....                            | 99.97                |
| <b>Total</b> .....                               | <b>\$ 816,949.97</b> |

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AGRICULTURAL COLLEGE MORRILL ENDOWMENT FUND.

|  |              |
|--|--------------|
| Amount received from United States government..... | \$ 55,000.00 |
| Amount disbursed to Herman Knapp, treasurer.....   | 55,000.00    |

---

PERMANENT SCHOOL FUND.

|  |           |
|--|-----------|
| Amount received by state treasurer.....            | \$ 338.92 |
| Transferred to counties by treasurer of state..... | 338.92    |

## CONDITION OF THE TREASURY

## TEMPORARY SCHOOL FUND.

|   |    |          |
|---|----|----------|
| Amount received from interest on state bonds..... | \$ | 1,159.90 |
| Amount apportioned to counties.....               | \$ | 1,159.90 |

## SALE OF LAKE BEDS FUND.

|   |    |          |
|---|----|----------|
| Amount received from state treasurer..... | \$ | 3,014.63 |
| Cash in treasury June 30, 1908.....       | \$ | 3,014.63 |

## RECAPITULATION OF BALANCES IN TREASURY JULY 1, 1908.

|   |    |              |
|---|----|--------------|
| General revenue.....                            | \$ | 644,189.17   |
| Agricultural college endowment fund, bonds..... |    | 664,950.00   |
| Agricultural college endowment fund, cash.....  |    | 99.97        |
| Special state university fund.....              |    | 9,597.68     |
| Special Iowa state college fund.....            |    | 63,875.08    |
| Special state normal school fund.....           |    | 25,098.93    |
| Sale of lake beds.....                          |    | 3,014.63     |
| Total.....                                      | \$ | 1,410,825.46 |

## STATEMENT NO. 2.

Showing the Amount of Warrants Issued and to what Charged During the Biennial Period Ending June 30, 1908.

|   |    |            |
|---|----|------------|
| Adjutant general, salary.....   | \$ | 4,000.02   |
| Adjutant general, assistant's salary.....                                   |    | 3,000.00   |
| Adjutant general, record clerk's salary.....                                |    | 2,400.00   |
| Adjutant general, storage.....  |    | 1,466.47   |
| Attorney general, salary.....   |    | 8,083.31   |
| Attorney general, assistant's salary.....                                   |    | 3,600.00   |
| Attorney general, clerk's salary.....                                       |    | 1,800.00   |
| Attorney general, contingent expense.....                                   |    | 4,044.77   |
| Attorney general, traveling expense.....                                    |    | 478.61     |
| Auditor of state, salary.....   |    | 4,400.01   |
| Auditor of state, salary, member executive council.....                     |    | 1,600.02   |
| Auditor of state, deputy's salary.....                                      |    | 3,368.33   |
| Auditor of state, insurance examiner's salary.....                          |    | 5,056.55   |
| Auditor of state, assistant insurance examiners and expense.....            |    | 4,498.46   |
| Auditor of state, special allowance, insurance examiners.....               |    | 75.00      |
| Auditor of state, clerks.....   |    | 22,499.99  |
| Auditor of state, extra clerks and contingent fund.....                     |    | 4,255.72   |
| Auditor of state, bank examiners, salaries and expense.....                 |    | 21,313.22  |
| Auditor of state, building and loan examinations.....                       |    | 421.15     |
| Auditor of state, municipal department, clerk's fund.....                   |    | 1,126.80   |
| Auditor of state, municipal department, examination expense.....            |    | 7,414.35   |
| Archives department.....  |    | 7,186.79   |
| Agricultural college, financial agent's salary and expense.....             |    | 3,094.51   |
| Agricultural college, support, contingent and repair.....                   |    | 452,541.67 |
| Agricultural college, purchase of land and improvement.....                 |    | 157,350.85 |
| Agricultural college, trustees, per diem and expense.....                   |    | 6,997.86   |
| Agricultural societies.....   |    | 33,729.83  |
| Board of control, members' and secretary's salaries.....                    |    | 22,000.00  |
| Board of control, architect's salary and expense.....                       |    | 8,434.03   |
| Board of control, clerks.....   |    | 14,525.17  |
| Board of control, expense and quarterly conference.....                     |    | 6,705.35   |
| Board of control, state agent.....  |    | 6,763.62   |
| Board of control, tuberculosis and private and county insane hospitals..... |    | 4,310.32   |
| Benedict home.....  |    | 3,148.91   |
| Board of educational examiners.....   |    | 20,698.99  |
| Board of health.....  |    | 13,536.45  |
| Board of health, registration, births and deaths.....                       |    | 4,498.23   |
| Board of medical examiners.....   |    | 11,441.43  |
| Bacteriological laboratory.....   |    | 10,495.68  |
| Board of dental examiners.....  |    | 3,704.34   |
| Board of veterinary medical examiners.....                                  |    | 1,883.45   |
| Board of parole, salaries, per diem and expense.....                        |    | 4,916.08   |
| Boys' and girls' home, Sioux City.....                                      |    | 1,200.00   |
| Clerk of supreme court, salary.....   |    | 4,400.01   |
| Clerk of supreme court, deputy's salary.....                                |    | 3,368.33   |
| Clerk of supreme court, clerks' salaries.....                               |    | 5,760.00   |
| Commissioner of labor, salary.....  |    | 3,366.66   |
| Commissioner of labor, deputy's salary.....                                 |    | 2,766.66   |
| Commissioner of labor, clerk.....   |    | 1,680.00   |
| Commissioner of labor, expense.....   |    | 2,556.95   |

## CONDITION OF THE TREASURY

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| Commissioner of labor, factory inspector.....                              | 2,400.00   |
| Custodian, salary .....  | 3,000.00   |
| Custodian, expense .....   | 52,321.85  |
| Capitol commission, permanent repairs.....                                 | 13,488.00  |
| Collateral inheritance tax, refund .....                                   | 631.06     |
| Collateral inheritance tax, court costs.....                               | 162.43     |
| Collateral inheritance tax, enforcement fund.....                          | 20,006.53  |
| Commission on uniform system of city accounts.....                         | 775.33     |
| Commission on uniform system of county accounts.....                       | 717.72     |
| Commission to revise school laws.....                                      | 1,058.30   |
| Cases for Spanish-American war flags.....                                  | 360.00     |
| Civil war claims, First Iowa cavalry.....                                  | 151.78     |
| Court-martial, Capt. Kulp.....   | 1,653.02   |
| Code supplement revision.....  | 30,283.94  |
| Dairy commissioner, salary.....  | 3,500.00   |
| Dairy commissioner, deputy and assistants' salaries.....                   | 12,733.26  |
| Dairy commissioner, expense .....  | 9,785.47   |
| Dairy commissioner, per diem and expense, food inspectors.....             | 29,535.03  |
| Department of agriculture, swine barn.....                                 | 75,000.00  |
| Department of agriculture, secretary and assistant, salaries.....          | 4,800.00   |
| Department of agriculture, additional land.....                            | 6,111.47   |
| Department of agriculture, finance committee.....                          | 226.19     |
| Department of agriculture, insurance and improvement of buildings.....     | 3,000.00   |
| Dubuque rescue home.....   | 478.53     |
| Dedication of battlefields and prison monuments.....                       | 8,472.79   |
| Iowa department of G. A. R.....  | 1,467.97   |
| Judges of district courts, salaries.....                                   | 370,778.40 |
| Executive council, secretary and clerks' salaries.....                     | 11,377.35  |
| Executive council, expense .....   | 2,056.61   |
| Executive council, expert accountant.....                                  | 3,582.00   |
| Executive council, expense, surveying lake beds.....                       | 9,184.73   |
| Engraving, plates and cuts.....  | 2,845.08   |
| Executive council, erection new storage house.....                         | 10,194.83  |
| Farmers' institutes.....   | 11,677.26  |
| Fish and game warden's salary; protection of fish and game.....            | 13,331.88  |
| Florence Crittenden home.....  | 1,471.72   |
| Freight, express and cartage.....  | 16,806.60  |
| General assembly, thirty-second; members' salaries.....                    | 86,900.00  |
| General assembly, thirty-second; employes.....                             | 42,148.05  |
| General assembly, thirty-second; mileage.....                              | 2,159.20   |
| General assembly, thirty-second; chaplains.....                            | 645.00     |
| General assembly, thirty-second; special appropriations.....               | 4,804.92   |
| General assembly, thirty-first; special appropriations.....                | 3,929.88   |
| General assembly, thirty-second, election contest, Mornin and Feeley.....  | 565.45     |
| General assembly, thirty-second; mileage, visiting state institutions..... | 1,215.05   |
| Governor, salary and house rent.....                                       | 11,200.02  |
| Governor, salary member of executive council.....                          | 1,600.02   |
| Governor's private secretary, salary.....                                  | 3,368.33   |
| Clerks' fund.....  | 11,800.00  |
| Governor's contingent fund.....  | 1,686.92   |
| Governor, payment of counsel.....  | 1,513.25   |
| Governor, return of fugitives.....   | 7,410.92   |
| Governor, reward, arrest of murderers.....                                 | 400.00     |
| Governor, return of paroled prisoners.....                                 | 485.74     |
| Governor, publishing notices for pardons.....                              | 387.59     |
| Geological survey, salaries and expenses.....                              | 16,770.06  |
| Grey uniforms, Second and Third Iowa infantry.....                         | 14.25      |
| Historical department, curator and clerks.....                             | 14,891.07  |
| Historical library and museum.....   | 20,000.00  |
| Historical society, support.....   | 20,625.00  |
| Horticultural society, support.....  | 8,000.00   |
| Historical building, completing.....                                       | 118,392.93 |
| House of Good Shepherd, Sioux City.....                                    | 1,200.00   |
| House of Good Shepherd, Dubuque.....                                       | 1,200.00   |
| Insane, commission of inquiry.....   | 138.26     |
| Inebriates, return of escaped.....   | 889.99     |
| Insane, transportation from county to state hospital.....                  | 107.79     |
| Insane, capture of escaped.....  | 1,013.72   |
| Insane, non-resident.....  | 1,046.60   |
| Iowa library commission, secretary and clerks' salaries.....               | 9,241.46   |
| Iowa library commission, traveling expense.....                            | 1,131.30   |
| Iowa library commission, general expense.....                              | 5,857.62   |
| Interest on school fund loans.....   | 1,152.90   |
| Inaugural ceremonies.....  | 230.65     |
| Islands in navigable streams, survey and appraisalment of.....             | 518.72     |
| Insurance commission.....  | 6,876.44   |
| Mine inspectors, salaries.....   | 9,900.00   |
| Mine inspectors, expense .....   | 3,410.73   |
| Mine inspectors, clerk.....  | 1,900.00   |
| Mine inspectors, board of examiners (Code, 2480).....                      | 17.43      |
| Mine inspectors, board of examiners (Ch. 82, Sec. 3, 1900).....            | 5,388.59   |
| Militia.....   | 167,659.08 |
| Mall carrier.....  | 2,000.00   |
| Miscellaneous expense (Code, 36), publishing acts of general assembly..... | 1,010.03   |
| Miscellaneous expense (Code, 165).....                                     | 124,182.00 |
| Miscellaneous expense (Code, 164).....                                     | 15,386.38  |
| Monuments, Shiloh, etc.....  | 67,905.63  |
| Miscellaneous expense (Code, 165, Fuel).....                               | 16,263.36  |
| Oil inspectors.....  | 52,865.84  |
| Postmaster.....  | 2,000.00   |
| Pharmacy commission.....   | 16,514.24  |

## CONDITION OF THE TREASURY

|   |            |
|---|------------|
| Publishing constitutional amendments.....   | 704.20     |
| Painting and decorating rooms in state house.....   | 3,925.20   |
| Railroad commission, secretary and clerks' salaries.....  | 21,840.36  |
| Railroad commission, investigation freight rates.....   | 2,425.80   |
| Railroad commission, maps.....  | 6,671.00   |
| Railroad commission, general expense.....   | 2,008.66   |
| Refund to counties for excess paid on accounts.....   | 2,275.74   |
| Relief of Metz and Hull.....  | 960.00     |
| Roster of Iowa soldiers and sailors.....  | 5,186.66   |
| Repairing steps and walks around state house.....   | 9,145.51   |
| Secretary of state, salary.....   | 4,441.38   |
| Secretary of state, salary, member executive council.....   | 1,609.44   |
| Secretary of state, salary of deputy.....   | 3,368.33   |
| Secretary of state, clerks' salaries.....   | 21,835.54  |
| Secretary of state, indexing journals and vaults.....   | 400.00     |
| State librarian and assistants' salaries.....   | 19,433.23  |
| State library, law department.....  | 9,128.04   |
| State library, consolidation with historical department, furniture.....   | 9,906.60   |
| Superintendent of public instruction, salary.....   | 4,400.01   |
| Superintendent of public instruction, salary of deputy.....   | 3,368.33   |
| Superintendent of public instruction, clerk hire.....   | 4,592.41   |
| Superintendent of public instruction, traveling expense and journal.....  | 706.75     |
| Supreme court, salaries of judges.....  | 68,000.02  |
| Supreme court, bailiff, messenger and stenographer's salaries.....  | 11,390.05  |
| Supreme court, contingent.....  | 1,542.87   |
| Supreme court, reporter and clerk to reporter.....  | 5,640.00   |
| Superintendent of weights and measures.....   | 163.81     |
| State binding.....  | 52,818.22  |
| State printing.....   | 84,310.27  |
| State university, support, contingent and supplies.....   | 509,500.00 |
| State university, land and improvements.....  | 199,500.00 |
| State university, regents, per diem and expense.....  | 3,565.25   |
| State university, balance on old medical building, 1897.....  | 4,501.50   |
| State normal school, support and contingent expense.....  | 252,711.87 |
| State normal school, grading and paving walks.....  | 5,750.00   |
| State normal school, trustees.....  | 1,920.40   |
| State entomologist.....   | 2,128.44   |
| State square proceeds; investing the same.....  | 3,815.00   |
| State expense in connection with funeral of D. B. Henderson.....  | 178.65     |
| Sundry appropriations, indexing legislative references.....   | 135.38     |
| Sundry appropriations, semi-centennial anniversary.....   | 750.00     |
| Sundry appropriations, code and session law annotations.....  | 160.00     |
| Sundry appropriations, secretary of state, extra clerk, thirty-second general assembly, and vital statistics..... | 844.00     |
| Treasurer of state, salary.....   | 4,441.38   |
| Treasurer of state, salary member executive council.....  | 1,609.44   |
| Treasurer of state, deputy salary.....  | 3,368.33   |
| Treasurer of state, clerks' fund.....   | 11,429.94  |
| Treasurer of state, treasurer and deputy's bonds.....   | 4,000.00   |
| Teachers' institutes.....   | 10,650.00  |
| Weather and crop.....   | 5,232.51   |
| Veterinary surgeon.....   | 18,748.88  |

## INSTITUTIONS UNDER BOARD OF CONTROL.

|                                     |               |
|-------------------------------------|---------------|
| Anamosa Penitentiary:               |               |
| Support and salaries.....           | \$ 192,363.04 |
| Contingent and repairs.....         | 8,326.41      |
| Improvements.....                   | 30,959.76     |
| Cherokee Hospital for Insane:       |               |
| Support and salaries.....           | 256,978.10    |
| Contingent and repair.....          | 8,182.04      |
| Improvements.....                   | 28,195.55     |
| Clarinda Hospital for Insane:       |               |
| Support and salaries.....           | 304,275.88    |
| Contingent and repairs.....         | 6,033.79      |
| Improvements.....                   | 79,942.91     |
| Council Bluffs School for the Deaf: |               |
| Support and salaries.....           | 111,599.52    |
| Contingent and repairs.....         | 3,343.60      |
| Improvements.....                   | 91,949.40     |
| Davenport Soldiers' Orphans' Home:  |               |
| Support and salaries.....           | 140,394.63    |
| Contingent and repairs.....         | 2,749.36      |
| Improvements.....                   | 14,384.99     |
| Eldora Industrial School for Boys.  |               |
| Support and salaries.....           | 145,438.41    |
| Contingent and repairs.....         | 4,584.64      |
| Improvements.....                   | 17,485.87     |
| Fort Madison Penitentiary:          |               |
| Support and salaries.....           | 206,716.02    |
| Contingent and repairs.....         | 4,329.73      |
| Improvements.....                   | 27,823.74     |



## CONDITION OF THE TREASURY

|   |                       |
|---|-----------------------|
| <b>Glenwood, Institution for Feeble-Minded Children:</b>      |                       |
| Support and salaries.....                                     | 852,338.22            |
| Contingent and repairs.....                                   | 12,554.83             |
| Improvements .....  | 171,170.99            |
| <b>Independence Hospital for Insane:</b>                      |                       |
| Improvements .....  | 33,810.67             |
| Support and salaries.....                                     | 326,424.19            |
| Contingent and repairs.....                                   | 12,217.85             |
| <b>Sanatorium for Tuberculosis, Iowa City:</b>                |                       |
| Support and salaries.....                                     | 12,725.15             |
| Improvements .....  | 94,812.61             |
| <b>Knoxville Hospital for Inebriates:</b>                     |                       |
| Support and salaries.....                                     | 78,432.67             |
| Improvements .....  | 25,781.91             |
| Contingent and repair.....                                    | 1,066.40              |
| <b>Marshalltown Soldiers' Home:</b>                           |                       |
| Support and salaries.....                                     | 299,636.47            |
| Contingent and repairs.....                                   | 811.45                |
| Improvements .....  | 90,599.63             |
| <b>Mitchellville Industrial School for Girls:</b>             |                       |
| Support and salaries.....                                     | 86,770.21             |
| Contingent and repair.....                                    | 3,363.60              |
| Improvements .....  | 14,285.12             |
| <b>Mount Pleasant Hospital for Insane:</b>                    |                       |
| Support and salaries.....                                     | 310,002.54            |
| Contingent and repairs.....                                   | 10,115.71             |
| Improvements .....  | 55,122.56             |
| <b>Vinton College for Blind:</b>                              |                       |
| Support and salaries.....                                     | 69,896.98             |
| Improvements .....  | 6,263.44              |
| Total warrants issued from July 1, 1906, to July 1, 1908..... | <u>\$7,721,298.14</u> |
| Warrants outstanding July 1, 1906.....                        | <u>162,966.07</u>     |
| Total .....   | <u>\$7,884,264.21</u> |
| Warrants redeemed from July 1, 1906, to July 1, 1908.....     | <u>\$7,677,677.15</u> |
| Warrants outstanding July 1, 1908.....                        | <u>206,587.06</u>     |
| Total .....   | <u>\$7,884,264.21</u> |

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