

# ACTS AND JOINT RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

Fortieth General Assembly

OF THE

STATE OF IOWA

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PREPARED FOR PUBLICATION BY AND UNDER THE DIRECTION OF  
U. G. WHITNEY  
REPORTER OF THE SUPREME COURT

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**305640**

**CERTIFICATE**

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**STATE OF IOWA**  
**Office of Reporter of the Supreme Court**

I, U. G. Whitney, Reporter of the Supreme Court, do hereby certify that the acts, laws, joint resolutions and memorials, and the certificates by the Secretary of State of the publication thereof, contained in this volume have been prepared and copied from the original enrolled acts on file in the office of the Secretary of State and are correct, and constitute the acts, laws, joint resolutions, and memorials of the Fortieth General Assembly of the state of Iowa.

A handwritten signature in cursive script, reading "U. G. Whitney". The signature is written in black ink and is positioned above the printed name of the signatory.

**Reporter of the Supreme Court**

WESTLAW ONLINE

## STATE OFFICERS, BOARDS AND COMMISSIONS

List of state officers, boards and commissions, judges of the supreme, district, superior and municipal courts and members of the general assembly, July 1, 1923, as nearly as same could be determined at the time of this publication.

Name	Position	County from which originally chosen
N. E. Kendall.....	Governor .....	Monroe
Emma K. Blaise.....	Secretary to the Governor.....	Polk
John Hammill .....	Lieutenant Governor .....	Hancock
W. C. Ramsay.....	Secretary of State.....	Wright
Clyde L. Cunningham	Deputy Secretary of State.....	Polk
Glenn C. Haynes.....	Auditor of State.....	Cerro Gordo
James E. Thomas....	Deputy Auditor of State.....	Montgomery
W. J. Burbank.....	Treasurer of State.....	Black Hawk
Robert L. Reiley.....	Deputy Treasurer of State.....	Louisa
Raymond Cassady....	Secretary of Agriculture.....	Monona
M. G. Thornburg....	Deputy Secretary of Agriculture.....	Palo Alto
Ben J. Gibson.....	Attorney General .....	Adams
John Fletcher .....	Assistant Attorney General.....	Pottawattamie
Maxwell O'Brien .....	Assistant Attorney General.....	Mahaska
Neill Garrett' .....	Assistant Attorney General.....	Polk
B. J. Powers.....	Assistant Attorney General.....	Polk
* .....	Assistant Attorney General.....	.....
May E. Francis.....	Superintendent of Public Instruction.....	Bremer
Thelma Nelson .....	Deputy Superintendent of Public Instruction..	Polk
Louis G. Lasher.....	Adjutant General .....	Polk
Fred P. Woodruff, Chm.	} Railroad Commissioners .....	Marion
Charles Webster .....		Fayette
Dwight N. Lewis.....		Polk
George L. McCaughan	Secretary Board of Railroad Commissioners...	Polk
J. H. Henderson.....	Commerce Counsel .....	Warren
Walter Condran .....	Assistant Commerce Counsel.....	Polk
N. E. Kendall.....	} Executive Council .....	Monroe
W. C. Ramsay.....		Wright
Glenn C. Haynes.....		Cerro Gordo
W. J. Burbank.....		Black Hawk
Raymond Cassady....		Monona
R. E. Johnson.....	Secretary Executive Council.....	Muscatine
D. D. Murphy, Pres....	} State Board of Education.....	Clayton
Edward P. Schoentgen.		Pottawattamie
George T. Baker.....		Scott
William C. Stuckslager		Linn
P. K. Holbrook.....		Monona
Charles R. Brenton....		Dallas
Charles H. Thomas....		Union
Anna B. Lawther.....	Dubuque	
Pauline Lewelling Devitt	} Finance Committee .....	Mahaska
W. R. Boyd, Chm.....		Linn
Thomas Lambert .....		Jackson
W. H. Gemmill.....	Polk	
W. H. Gemmill.....	Secretary State Board of Education and Finance Committee .....	Polk
J. H. Strief.....	} Board of Control of State Institutions.....	Woodbury
J. B. Butler.....		Webster
A. M. McColl.....		Dallas
E. J. Hines.....	Secretary Board of Control.....	Jones
William Collinson, Chm.	} State Highway Commission.....	Lucas
J. W. Holden.....		Greene
Anson Marston .....		Story

\*No appointment made at time of publication.

## STATE OFFICERS—CONTINUED

Name	Position	County from which originally chosen
W. C. Ramsay, ex officio	State Printing Board.....	Wright
Glenn C. Haynes, ex officio		Cerro Gordo
Ben J. Gibson, ex officio		Adams
W. R. Orchard.....	Superintendent of Printing .....	Pottawattamie
J. C. Gillespie.....		Plymouth
Robert Henderson .....	State Board of Audit.....	Pottawattamie
Glenn C. Haynes.....		Cerro Gordo
John Fletcher .....		Pottawattamie
R. E. Johnson.....	Code Editor .....	Muscatine
U. G. Whitney.....	Industrial Commissioner .....	Woodbury
A. B. Funk.....	Deputy Industrial Commissioner.....	Polk
Ralph Young .....	Insurance Commissioner .....	Polk
W. R. C. Kendrick.....	Deputy Insurance Commissioner.....	Lee
Donald Harlow .....	Superintendent of Banking.....	Polk
Robert L. Leach.....	Deputy Superintendent of Banking.....	Dallas
Carl S. Foster.....	State Fire Marshal.....	Guthrie
J. A. Tracy.....	Commissioner of Labor Statistics.....	Polk
A. L. Urick.....	Fish and Game Warden.....	Polk
W. E. Albert.....	Secretary Horticultural Society and Forestry Commissioner .....	Allamakee
R. S. Herrick.....		Polk
N. E. Kendall, ex officio	State Fair Board.....	Monroe
R. A. Pearson, ex officio		Story
Raymond Cassady, ex officio		Monona
Charles E. Cameron, Pres. ....		Buena Vista
J. P. Mullen.....		Pocahontas
A. R. Corey.....		Kossuth
F. E. Sheldon.....		Ringgold
H. O. Weaver.....		Louisa
E. T. Davis.....		Johnson
Earl Ferris .....		Franklin
E. J. Curtin.....		Winneshek
Cyrus A. Tow.....		Benton
C. Ed Beman.....		Mahaska
C. F. Curtiss.....		Story
J. C. Beckner.....		Page
Carl E. Hoffman.....	Cass	
Sears McHenry .....	Crawford	
H. L. Pike.....	Monona	
A. R. Corey.....	Secretary State Fair Board.....	Kossuth
Charles D. Reed.....	Director Weather and Crop Service.....	Polk
N. E. Kendall, ex officio	State Board of Health.....	Monroe
W. C. Ramsay, ex officio		Wright
Glenn C. Haynes, ex officio		Cerro Gordo
W. J. Burbank, ex officio	Secretary State Board of Health.....	Black Hawk
Dr. Charles S. Grant, Pres. ....		Johnson
Dr. G. F. Severs.....	Appanoose	
Dr. F. T. Launder.....	Tama	
Dr. Henry C. Eschbach	Polk	
Dr. Rodney P. Fagan	Monroe	
Edward Sweeney .....	Polk	
R. T. Rhys.....	State Mine Inspectors.....	Wapello
W. E. Holland.....		Monroe

STATE OFFICERS—CONTINUED

Name	Position	County from which originally chosen
J. R. Murphy.....	Board of Parole.....	Ida
L. A. Jensen.....		Winnebago
Dr. J. O. Woodmansee..	Secretary Board of Parole.....	Decatur
Sam D. Woods.....		Adair
E. R. Harlan, ex officio	Board of Conservation.....	Polk
L. H. Pammel, Pres....		Story
W. G. Haskell.....		Linn
Mrs. C. H. McNider....	Secretary Board of Conservation.....	Cerro Gordo
R. E. Johnson.....		Muscatine
May E. Francis, Chm...	Board for Vocational Education.....	Bremer
D. D. Murphy.....		Clayton
A. L. Urick.....		Polk
N. E. Kendall.....	Geological Board.....	Monroe
Glenn C. Haynes.....		Cerro Gordo
Walter A. Jessup.....		Johnson
Raymond A. Pearson...		Story
Orrin H. Smith.....		Polk
George F. Kay.....	State Geologist.....	Johnson
James H. Lees.....	Assistant State Geologist.....	Polk
N. E. Kendall, Pres....	Board of Trustees of the State Library and State Historical Department.....	Monroe
W. C. Ramsay.....		Wright
May E. Francis.....		Bremer
William D. Evans.....		Franklin
Silas M. Weaver.....		Hardin
Byron W. Preston.....		Mahaska
Truman S. Stevens....		Fremont
Thomas Arthur.....		Harrison
F. F. Faville.....		Webster
Lawrence DeGraff....		Polk
Johnson Brigham....	State Librarian.....	Polk
A. J. Small.....	Law Librarian.....	Polk
E. R. Harlan.....	Curator, Historical Department.....	Van Buren
Johnson Brigham, Chm. ex officio.....		Polk
May E. Francis, ex officio.....	State Library Commission.....	Bremer
Walter A. Jessup, ex officio.....		Pottawattamie
Mrs. Harry J. Howe....		Johnson
Mrs. Horace M. Towner		Marshall
Mrs. A. J. Barkley.....		Adams
W. R. Orchard.....		Boone
Julia A. Robinson....	Secretary Library Commission.....	Polk
May E. Francis, Pres., ex officio.....		Bremer
Walter A. Jessup, ex officio.....		Johnson
Homer H. Seerley, ex officio.....	Board of Educational Examiners.....	Black Hawk
Raymond A. Pearson, ex officio.....		Story
William F. Barr.....		Polk
J. C. McGlade.....		Black Hawk
Jeanette Lewis.....		Calhoun
Viola H. Schell.....	Secretary Board of Educational Examiners....	Poweshiek

## STATE OFFICERS—CONTINUED

Name	Position	County from which originally chosen	
Ben J. Gibson, Chm. ex officio .....	Board of Law Examiners.....	Adams	
W. G. Blood.....		Lee	
B. B. Burnquist.....		Webster	
George W. Dawson....		Black Hawk	
E. D. Perry.....		Polk	
J. A. Devitt.....	Board of Medical Examiners.....	Mahaska	
Dr. Charles S. Grant, Pres. ....		Johnson	
Dr. George F. Severs....		Appanoose	
Dr. F. T. Launder.....		Tama	
Dr. Henry C. Eschbach		Monroe	
Dr. Rodney P. Fagan..	Board of Osteopathic Examiners.....	Polk	
Dr. H. J. Marshall.....		Polk	
Dr. C. J. Christensen..		Lee	
Dr. R. B. Gilmore.....		Woodbury	
Dr. J. W. Daugherty...		Cerro Gordo	
Dr. S. E. Julander.....	Board of Chiropractic Examiners.....	Polk	
Dr. R. B. Bleau.....		Marshall	
Dr. William Gerard....		Linn	
Dr. S. J. Olson.....		Polk	
Dr. Charles S. Grant...		Johnson	
Dr. Henry C. Eschbach.	Board of Podiatry Examiners.....	Monroe	
Dr. F. W. Conover.....		Winneshiak	
Dr. L. V. Felke.....		Polk	
Dr. C. B. Miller.....		Polk	
Dr. C. M. Work.....		Wapello	
Dr. H. P. White.....	Board of Dental Examiners.....	Woodbury	
Dr. G. F. Severs, ex officio .....		Appanoose	
Dr. Rodney P. Fagan, ex officio .....		Board of Optometry Examiners.....	Polk
Dr. J. M. R. Hanson...			Tama
Dr. James McDonald...			Cherokee
Dr. Alfred J. Meyer....	Scott		
Dr. F. T. Launder, ex officio .....	Tama		
Dr. Henry C. Eschbach, ex officio .....	Nurses' Examining Committee.....	Monroe	
Anna M. Drake.....		Polk	
Augusta J. Hefner.....		Woodbury	
Dr. Charles S. Grant, ex officio .....	Embalmers' Examining Committee.....	Johnson	
Dr. G. E. Severs, ex officio .....		Tama	
Dr. Rodney P. Fagan, ex officio .....		Polk	
Byron H. Wilder.....	Commission of Pharmacy.....	Humboldt	
J. A. West.....		Woodbury	
George Judisch, Chm..		Story	
William H. Haire.....		Webster	
J. W. Slocum.....		Warren	
Harry E. Eaton.....	Secretary Commission of Pharmacy.....	Page	
*Frederick W. Stubbs, Chm. ....	State Board of Engineering Examiners....	Fayette	
Lewis M. Martin.....		Cass	
Karl C. Kastberg.....		Polk	
Alvin LeVan .....		Webster	
Seth Dean .....		Mills	
R. E. Johnson.....	Secretary Board of Engineering Examiners....	Muscatine	

\*Resigned January 22, 1923. No appointment made at time of publication.

## STATE OFFICERS—CONTINUED

Name	Position	County from which originally chosen
E. M. Gray, Pres.....	Board of Examiners for Mine Inspectors...	Polk
B. H. Shivers.....		Polk
T. L. Evans.....		Monroe
David Anderson .....	Board of Examiners for Court Reporters..	Monroe
John Caldwell .....		Appanoose
J. L. Parrish, Chm.....		Polk
Frank C. Walrath.....	Board of Examiners for Certified Accountants .....	Polk
R. C. Turner.....		Greene
John W. Piesen, Chm..		Hardin
A. H. Hammarstrom...	Commission on Uniform State Laws.....	Clinton
William Guthrie .....		Woodbury
Chas. M. Dutcher, Chm.		Johnson
Jesse A. Miller.....		Polk
Hazen I. Sawyer.....		Lee

## JUDICIAL DEPARTMENT

## SUPREME COURT

Name	Position	County from which chosen	Post Office Address
Byron W. Preston.....	Chief Justice .....	Mahaska .....	Oskaloosa
William D. Evans.....	Judge .....	Franklin .....	Hampton
Silas M. Weaver.....	Judge .....	Hardin .....	Iowa Falls
Truman S. Stevens.....	Judge .....	Fremont .....	Hamburg
F. F. Faville.....	Judge .....	Webster .....	Ft. Dodge
Lawrence DeGraff .....	Judge .....	Polk .....	Des Moines
Thomas Arthur .....	Judge .....	Harrison .....	Logan
B. W. Garrett.....	Clerk .....	Decatur .....	Des Moines
Dutton Stahl .....	Deputy Clerk .....	Adams .....	Des Moines
U. G. Whitney.....	Reporter .....	Woodbury .....	Des Moines
Mary A. Reid.....	Deputy Reporter .....	Polk .....	Des Moines

## DISTRICT COURTS

Name	Postoffice	Dist.	Counties in District
John E. Craig.....	Keokuk .....	1	Lee
W. S. Hamilton.....	Ft. Madison.....		
D. M. Anderson.....	Albia .....	2	Appanoose, Davis, Jefferson, Lucas, Monroe, Van Buren, Wapello
W. M. Walker.....	Keosauqua .....		
F. M. Hunter.....	Ottumwa .....		
C. W. Vermilion.....	Centerville .....		
H. K. Evans.....	Corydon .....	3	Adams, Clarke, Decatur, Ringgold, Taylor, Union, Wayne
Homer A. Fuller.....	Mt. Ayr .....		
A. Ray Maxwell.....	Creston .....		
C. C. Hamilton.....	Sioux City .....	4	Monona, Woodbury
Miles W. Newby.....	Onawa .....		
Albert O. Wakefield...	Sioux City .....		
Robert H. Munger.....	Sioux City .....		
J. H. Applegate.....	Center .....	5	Adair, Dallas, Guthrie, Madison, Marion, Warren
W. S. Cooper.....	Winterset .....		
W. G. Vander Ploeg...	Knoxville .....		
Chas. A. Dewey.....	Washington .....	6	Jasper, Keokuk, Mahaska, Poweshiek, Washington
D. W. Hamilton.....	Grinnell .....		
H. F. Wagner.....	Sigourney .....		
A. P. Barker.....	Clinton .....	7	Clinton, Jackson, Muscatine, Scott
A. J. House.....	Maquoketa .....		
D. V. Jackson.....	Muscatine .....		
F. D. Letts.....	Davenport .....		
Wm. W. Scott.....	Davenport .....		
R. G. Popham.....	Marengo .....	8	Iowa, Johnson
Ralph Otto .....	Iowa City.....		
O. S. Franklin.....	Des Moines .....	9	Polk
Jos. E. Meyer.....	Des Moines .....		
Lester L. Thompson...	Des Moines .....		
Hubert Utterback .....	Des Moines .....		
W. G. Bonner.....	Des Moines .....		
H. B. Boies.....	Waterloo .....	10	Black Hawk, Buchanan, Delaware, Grundy
E. B. Stiles.....	Manchester .....		
Geo. W. Wood.....	Waterloo .....		
H. E. Fry.....	Boone .....	11	Boone, Franklin, Hamilton, Hardin, Story, Webster, Wright
E. M. McCall.....	Nevada .....		
G. D. Thompson.....	Webster City.....		
S. A. Clock.....	Hampton .....		
Joseph J. Clark.....	Mason City .....	12	Bremer, Butler, Cerro Gordo, Floyd, Hancock, Mitchell, Winnebago, Worth
M. F. Edwards.....	Parkersburg .....		
C. H. Kelley.....	Charles City .....		
M. H. Kepler.....	Mason City .....		
W. J. Springer.....	New Hampton.....	13	Allamakee, Chickasaw, Clayton, Fayette, Howard, Winneshiek
H. E. Taylor.....	Waukon .....		
D. F. Coyle.....	Humboldt .....	14	Buena Vista, Clay, Dickinson, Emmet, Humboldt, Kossuth, Palo Alto, Pocahontas
James DeLand .....	Storm Lake.....		
N. J. Lee.....	Estherville .....		
George W. Cullison...	Harlan .....	15	Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby
Earl Peters .....	Clarinda .....		
O. D. Wheeler.....	Council Bluffs .....		
Thos. C. Whitmore...	Atlantic .....		
E. G. Albert.....	Jefferson .....	16	Calhoun, Carroll, Crawford, Greene, Ida, Sac
M. E. Hutchison.....	Lake City .....		
B. F. Cummings.....	Marshalltown .....	17	Benton, Marshall, Tama
James W. Willett.....	Tama .....		
Atherton B. Clark....	Cedar Rapids.....	18	Cedar, Jones, Linn
F. O. Ellison.....	Anamosa .....		
John T. Moffit.....	Tipton .....		
Fergus L. Anderson...	Marion .....		
P. J. Nelson.....	Dubuque .....	19	Dubuque
D. E. Maguire.....	Dubuque .....		
Oscar Hale .....	Wapello .....	20	Des Moines, Henry, Louisa
James D. Smythe.....	Burlington .....		
C. C. Bradley.....	LeMars .....	21	Cherokee, Lyon, O'Brien, Osceola, Plymouth, Sioux
Wm. Hutchinson.....	Alton .....		



## SUPERIOR COURTS

Name	P. O. Address	Name	P. O. Address
Thomas B. Powell.....	Cedar Rapids	W. L. McNamara.....	Keokuk
Frank J. Capell.....	Council Bluffs	Jay Cook .....	Oelwein
J. H. P. Robison.....	Grinnell	Frederick Fischer ....	Shenandoah

## MUNICIPAL COURTS

Name	P. O. Address	Name	P. O. Address
F. M. Fort.....	Clinton	Herman F. Zeuch.....	Des Moines
J. E. Mershon.....	Des Moines	B. O. Tankersley.....	Marshalltown
H. H. Sawyer.....	Des Moines	O. B. Courtright.....	Waterloo
T. L. Sellers.....	Des Moines	John W. Gwynne.....	Waterloo

## FORTIETH GENERAL ASSEMBLY

## OFFICERS OF THE SENATE

*President of the Senate*—John Hammill of Britt, Hancock county.  
*President Pro Tempore*—John R. Price of Albia, Monroe county.  
*Secretary*—Col. L. W. Ainsworth of Des Moines, Polk county.  
*Assistant Secretary*—Walter H. Beam of Martensdale, Warren county.  
*Reading Clerk*—Edward Baker of Centerville, Appanoose county.  
*Engrossing Clerk*—Mae McClean of Des Moines, Polk county.  
*Enrolling Clerk*—Edythe Ditto of Ankeny, Polk county.  
*Journal Clerk*—Meryl Hoefle of Des Moines, Polk county.  
*Journal Clerk*—E. L. Simmons of Fairfield, Jefferson county.  
*Bill Clerk*—Paul Sims of Sioux City, Woodbury county.  
*File Clerk*—Glen L. Steinhilber of Strawberry Point, Clayton county.  
*Postmistress*—Lucille Patterson of Des Moines, Polk county.  
*Sergeant-at-Arms*—T. D. Doke of Bloomfield, Davis county.  
*Chief Doorkeeper*—O. W. Lowery of Des Moines, Polk county.

## SENATORS

Name	Address	Dist.	Counties Composing District
Abben, Ben C., Jr.....	Little Rock.....	49	Lyon, O'Brien, Osceola, Sioux
Adams, Henry C.....	Algona .....	47	Clay, Dickinson, Emmet, Kossuth, Palo Alto
Baird, W. S.....	Council Bluffs....	19	Pottawattamie
Banta, George S.....	Manchester .....	33	Buchanan, Delaware
Bergman, A. H.....	Newton .....	29	Jasper
Bowman, M. L.....	Waterloo .....	38	Black Hawk, Grundy
Brookhart, J. L.....	Washington .....	10	Henry, Washington
Brookins, A. T.....	Charles City.....	44	Chickasaw, Floyd
Browne, Charles S.....	Monmouth .....	23	Jackson
Buser, J. D.....	Conesville .....	20	Louisa, Muscatine
Caldwell, W. A.....	Oskaloosa .....	14	Mahaska
Campbell, Ed. H.....	Battle Creek.....	46	Cherokee, Ida, Plymouth
Cessna, T. C.....	Grinnell .....	12	Keokuk, Poweshiek
*Chase, D. C.....	Webster City .....	37	Hamilton, Hardin, Wright
Darting, H. A.....	Glenwood .....	8	Mills, Montgomery
Dutcher, Chas. M.....	Iowa City.....	25	Iowa, Johnson
Ethell, John J.....	Bloomfield .....	3	Appanoose, Davis
Fulton, Chas. J.....	Fairfield .....	2	Jefferson, Van Buren
Gilchrist, F. C.....	Laurens .....	50	Buena Vista, Humboldt, Pocahontas

\*Died March 2, 1923. Succeeded on April 5, 1923, by William Schmedika of Radcliffe.

## SENATORS—CONTINUED

Name	Address	Dist.	Counties Composing District
Goodwin, Wm. J.....	Des Moines.....	30	Polk
Hale, J. K.....	Anamosa.....	24	Cedar, Jones
Hartman, George S.....	Fayette.....	40	Allamakee, Fayette
Haskell, W. G.....	Cedar Rapids....	26	Linn
Holdoegel, Perry C.....	Rockwell City...	27	Calhoun, Webster
Horchem, B. J.....	Dubuque.....	35	Dubuque
Johnston, James F.....	Chariton.....	4	Lucas, Wayne
Kimberly, D. W.....	Davenport.....	21	Scott
McIntosh, J. A.....	Leon.....	5	Decatur, Ringgold, Union
Mantz, H. J.....	Audubon.....	17	Audubon, Dallas, Guthrie
Mead, O. L.....	Shell Rock.....	39	Bremer, Butler
Nelson, Julius A.....	Atlantic.....	18	Cass, Shelby
Newberry, Byron W.....	Strawberry Point	36	Clayton
Olson, Charles.....	Beaver.....	31	Boone, Story
Perkins, Geo. B.....	Sac City.....	48	Carroll, Greene, Sac
Price, John R.....	Albia.....	15	Marion, Monroe
Reed, Carl W.....	Cresco.....	42	Howard, Winneshiek
Rees, S. C.....	Hamburg.....	7	Fremont, Page
Romkey, E. W.....	Burlington.....	9	Des Moines
Scott, Ray P.....	Marshalltown...	28	Marshall
Shaff, J. O.....	Camanche.....	22	Clinton
Shane, Frank.....	Ottumwa.....	13	Wapello
Shinn, A. J.....	Woodbine.....	34	Crawford, Harrison, Monona
Slosson, J. M.....	Northwood.....	41	Mitchell, Winnebago, Worth
Smith, Ed. M.....	Winterset.....	16	Adair, Madison
Snook, I. N.....	Ft. Madison.....	1	Lee
Stoddard, B. M.....	Sloan.....	32	Woodbury
Thurston, Lloyd.....	Osceola.....	11	Clarke, Warren
Tuck, J. C.....	Corning.....	6	Adams, Taylor
White, Harry C.....	Vinton.....	45	Benton, Tama
Wichman, John E.....	Garner.....	43	Cerro Gordo, Franklin, Hancock

## OFFICERS OF THE HOUSE

- Speaker*—J. H. Anderson of Thompson, Winnebago county.  
*Speaker Pro Tempore*—O. A. Ontjes of Holland, Grundy county.  
*Chief Clerk*—A. C. Gustafson of Des Moines, Polk county.  
*Assistant Clerk*—Frank Vetter of Grant, Montgomery county.  
*Reading Clerk*—Robert M. Cook of Clarkeville, Butler county.  
*Engrossing Clerk*—Hazel R. Coutts of Grinnell, Poweshiek county.  
*Enrolling Clerk*—Mabel Elwood of Cresco, Howard county.  
*Journal Clerk*—Lillian Leffert of Des Moines, Polk county.  
*Journal Clerk*—Margaret Canfield of Des Moines, Polk county.  
*File Clerk*—Chas. A. Lindenau of Maquoketa, Jackson county.  
*Bill Clerk*—H. L. Gordon of Clermont, Fayette county.  
*Assistant File and Bill Clerk*—Donald M. Winterrowd of Adelphi, Polk county.  
*Assistant Postmistress*—Mrs. Jeanette Cole of Sioux City, Woodbury county.  
*Sergeant-at-Arms*—Oley Nelson of Slater, Story county.  
*Assistant Sergeant-at-Arms*—Walter R. Cook of Des Moines, Polk county.

XI

REPRESENTATIVES

Name	Address	Dist.	Counties Composing District
Alken, John H.	Ida Grove	59	Ida
Anderson, C. E.	Stratford	62	Webster
Anderson, J. H.	Thompson	95	Winnebago
Berry, H. S.	Albia	17	Monroe
Blake, William R.	Clermont	71	Fayette
Blume, Theo. C.	Hanover	56	Crawford
Bradley, John	Montezuma	39	Poweshiek
Brady, A. V.	Sanborn	82	O'Brien
Brittain, David	Van Meter	28	Madison
Buffington, C. R.	Glenwood	11	Mills
Carter, L. V.	Lawn Hill	64	Hardin
Children, William C.	Council Bluffs	31	Pottawattamie
Clark, C. F.	Cedar Rapids	48	Linn
Colbert, W. J.	Creston	14	Union
Cole, E. J.	Woodbine	32	Harrison
Criswell, W. S.	Madrid	53	Boone
Dewar, H. C.	Cherokee	79	Cherokee
Diltz, Volney	Des Moines	37	Polk
Donhowe, H. N.	Story City	52	Story
Doolley, W. J.	Keosauqua	2	Van Buren
Doolittle, Clyde H.	Manchester	68	Delaware
Dotts, A. G.	Corydon	5	Wayne
Edge, George W.	Newton	38	Jasper
Edson, W. C.	Storm Lake	78	Buena Vista
Elliott, Frank W.	Davenport	43	Scott
Fackler, S. E.	Prescott	13	Adams
Forsling, L. B.	Sioux City	58	Woodbury
Frahm, Henry	Manning	55	Carroll
Gallagher, J. P.	Williamsburg	40	Iowa
Garber, R. O.	Adair	29	Adair
Garber, J. S.	Marble Rock	88	Floyd
Gesman, N. J.	Pella	26	Marion
Gibson, D. M.	Osceola	15	Clarke
Gilbert, F. B.	State Center	51	Marshall
Gilbertson, O.	Decorah	91	Winneshiek
Gilmore, William	Tipton	44	Cedar
Graham, S. L.	Ottumwa	18	Wapello
Grimwood, E. A.	Oxford Junction	47	Jones
Hansen, John T.	Davenport	43	Scott
Harrison, E. P.	Oakland	31	Pottawattamie
Hattendorf, H. C.	Ocheyedan	98	Osceola
Hauge, A. O.	Des Moines	37	Polk
Healy, E. P.	Britt	86	Hancock
Held, G. E.	Hinton	80	Plymouth
Hempel, J. G.	Elkader	70	Clayton
Henderson, M. L.	Randall	63	Hamilton
Himebauch, Fred	Estherville	96	Emmet
Hollis, C. A.	Cedar Falls	66	Black Hawk
Huff, Charles W.	Massena	30	Cass
Johnson, Francis	Terril	97	Dickinson
King, James A.	Spencer	83	Clay
Knutson, C. A.	Clear Lake	87	Cerro Gordo
Lake, Frank C.	Sioux City	58	Woodbury
Leonard, Arthur	Corning	8	Taylor
Letts, C. F.	Ainsworth	23	Washington
Lichty, E. M.	Waterloo	66	Black Hawk
Lieberknecht, Ernst	Wapello	22	Louisa
Long, Wm. L.	Fairfield	19	Jefferson
Lovrien, Fred C.	Humboldt	76	Humboldt
Mathews, Howard A.	Danville	21	Des Moines
Matthiesen, E. C.	Clinton	45	Clinton

## REPRESENTATIVES—CONTINUED

Name	Address	Dist.	Counties Composing District
McClune, J. C.	Oskaloosa	25	Mahaska
Miller, Geo. E.	Harlan	33	Shelby
Moen, T. E.	Inwood	99	Lyon
Napier, T. W.	Mt. Ayr	7	Ringgold
Natvig, Ole	Cresco	92	Howard
Noble, A. C.	Muscatine	42	Muscatine
O'Donnell, T. J.	Dubuque	69	Dubuque
Oliver, C. G.	Onawa	57	Monona
Olson, John	Calamus	45	Clinton
Ontjes, O. A.	Holland	65	Grundy
Orr, John	Thornburg	24	Keokuk
Parsons, Thomas	Farnhamville	61	Calhoun
Patterson, Geo. W.	Burt	85	Kossuth
Peterson, Nels	Olds	20	Henry
Potts, Geo. W.	Ft. Madison	1	Lee
Powers, T. E.	Clarinda	9	Page
Quirk, L. T.	Wall Lake	60	Sac
Ramsey, J. M.	Clarksville	73	Butler
Rankin, John M.	Keokuk	1	Lee
Rassler, A. G.	Palmer	77	Pocahontas
Rewoldt, Fred Jr.	Frederika	72	Brammer
Rhinehart, Chas.	Dallas Center	36	Dallas
Robson, Paul N.	Scranton	54	Greene
Rumley, Ralph L.	Leon	6	Decatur
Rust, Heike A.	Sheffield	74	Franklin
Sampson, F. C.	Audubon	34	Audubon
Saunders, Wm. E. G.	Emmetsburg	84	Palo Alto
Schirmer, W. F.	Bellevue	46	Jackson
Schulte, H. H.	Manly	94	Worth
Scott, C. H.	Centerville	4	Appanoose
Scott, W. C.	Farragut	10	Fremont
Slemmons, Geo. F.	Independence	67	Buchanan
Smith, Ward B.	Nashua	89	Chickasaw
Smith, C. D.	Russell	16	Lucas
Stock, Theodore B.	Waukon	90	Allamakee
Stookesberry, Arthur	Floris	3	Davis
Storey, John A.	Indianola	27	Warren
Strippel, Werner	Vinton	49	Benton
Ulstad, Oscar	Holmes	75	Wright
Venard, G. L.	Hawarden	81	Sioux
Vincent, Earl W.	Guthrie Center	35	Guthrie
Wamstad, Brede	Osage	93	Mitchell
Weber, John H.	Cascade	69	Dubuque
Williams, Alfred	Villisca	12	Montgomery
Wilson, W. Walter	Traer	50	Tama
Wolfe, Thomas L.	Mt. Vernon	48	Linn
Yenter, Ray A.	Iowa City	41	Johnson

## COMMISSIONERS IN OTHER STATES

List of commissioners for Iowa in other states who are duly qualified and whose commissions do not expire on or before July 4, 1923, showing postoffice address, date of qualification and date of expiration of commission.

Name	Postoffice	Date on and after which qualified	Date of Expiration of Commission
Geo. H. Corey	New York City	Jan. 17, 1921	January 17, 1924
Ella F. Braman	New York City	Nov. 1, 1922	November 1, 1925

## CONDITION OF THE TREASURY.

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STATE OF IOWA, OFFICE OF AUDITOR OF STATE,  
DES MOINES, MARCH 8, 1923.

HON. U. G. WHITNEY,  
Reporter of Supreme Court  
and Code Editor.

DEAR SIR: In accordance with the requirements of Section 18, Article III, of the Constitution of Iowa, I have the honor to submit for publication with the laws of the Fortieth General Assembly, the following statement of the condition of the treasury together with a report of the receipts and disbursements of public moneys for the biennial fiscal period beginning July 1, 1920, and ending June 30, 1922.

Respectfully,



*Auditor of State.*

## STATEMENT OF THE CONDITION OF THE TREASURY

Receipts, Disbursements and Balances in the Several Funds for the Biennial Period  
ended June 30, 1922.

	Balance July 1, 1920	Receipts	Total Amount Available	Disbursements	Balance June 30, 1922
General revenue . . .	\$11,048,928.21	\$46,536,049.24	\$57,584,977.45	\$52,354,323.76	\$ 5,230,653.69
State college endowment bonds . . . .	684,450.00	127,400.00	811,850.00	117,950.00	693,900.00
State college endowment cash . . . . .	7,958.32	109,450.00	117,408.32	117,400.00	8.32
State college endowment interest . . . .	446.43	72,071.29	72,517.72	72,517.72	
State college Morrill endowment . . . . .		100,000.00	100,000.00	100,000.00	
Temporary school fund . . . . .		2,821.86	2,821.86	2,821.86	
Permanent school fund . . . . .		34.46	34.46	34.46	
Capitol grounds extension cash . . . .	1,278.27	619,906.61	621,184.88	611,340.99	9,843.89
<b>Totals . . . . .</b>	<b>\$11,743,061.23</b>	<b>\$47,567,733.46</b>	<b>\$59,310,794.69</b>	<b>\$53,376,388.79</b>	<b>\$ 5,934,405.90</b>

TABLE NO. 1—GENERAL REVENUE RECEIPTS.

Receipts in General State Revenue During Biennial Period Ending June 30, 1922.

General state tax from counties . . . . .	\$16,585,927.40
Interest on delinquent state tax from counties . . . . .	59,141.57
Sale of laws by county auditors . . . . .	1,137.75
From counties for support of insane . . . . .	2,389,836.72
From counties for support of epileptics . . . . .	123,604.36
From counties for clothing for blind . . . . .	2,547.06
From counties for clothing for deaf . . . . .	1,800.64
From counties for clothing for feeble-minded . . . . .	90,314.17
From counties for support of orphans' home . . . . .	115,001.18
From counties for support of tubercular patients . . . . .	291,783.38
From counties for support of juvenile home . . . . .	47,037.42
Fees from auditor of state . . . . .	66,490.90
Fees from superintendent of banking . . . . .	140,435.52
Fees from clerk of supreme court . . . . .	8,973.68
Fees from commissioner of insurance . . . . .	317,457.07
Fees from dairy and food commission . . . . .	165,299.42
Fees from governor (notary commissions) . . . . .	51,980.00
Fees from oil inspector . . . . .	113,745.61
Fees from pharmacy commission . . . . .	70,716.50
Fees from secretary of state . . . . .	407,115.75
Fees from superintendent of public instruction . . . . .	38,001.50
Fees from commission of animal health . . . . .	18,636.96
Fees from hotel inspector . . . . .	42,862.00
Fees from board of dental examiners . . . . .	6,390.65
Fees from board of health and medical examiners . . . . .	20,757.17
Fees from itinerant physicians . . . . .	1,750.00
From motor vehicle license fees . . . . .	12,290,692.10
From interest on primary road funds and motor vehicle fees . . . . .	113,778.52
From Federal aid and refunds to primary road fund . . . . .	5,520,405.37
From refunds by highway commission . . . . .	102,175.05
From fees set aside for federal aid engineering fund . . . . .	996,411.40
From banks for interest on deposits . . . . .	151,351.70
For collateral inheritance tax . . . . .	1,348,384.80
From federal aid to soldiers' home . . . . .	90,760.00
From insurance tax . . . . .	2,180,802.71
From tax on freight line and transportation companies . . . . .	46,526.85
From sales and refunds by state institutions . . . . .	1,331,683.53
From transfer from temporary school fund . . . . .	640.27
From hunters' license . . . . .	238,074.01
From board chiropractic examiners . . . . .	13,707.00
From cigarette sales tax . . . . .	590,918.99
From miscellaneous sources . . . . .	299,362.09
From support of patients in state institutions . . . . .	41,640.47
<b>Total receipts . . . . .</b>	<b>\$46,536,049.24</b>
Balance on hand July 1, 1920 . . . . .	11,048,928.21
<b>Total to be accounted for . . . . .</b>	<b>\$57,584,977.45</b>
<b>Disbursements:</b>	
Auditor's warrants redeemed . . . . .	\$52,354,323.76
Balance on hand June 30, 1922 . . . . .	5,230,653.69
<b>Total . . . . .</b>	<b>\$57,584,977.45</b>

XV  
CONDITION OF TREASURY

TABLE NO. 2—GENERAL REVENUE EXPENDITURES.

Warrants Issued During Biennial Period Ending June 30, 1922.

GENERAL ACCOUNTS.

Agricultural Society, state aid.....	\$ 272,842.22
<b>Total.....</b>	<b>\$ 272,842.22</b>
Attorney General, salaries.....	49,826.24
Attorney General, traveling expense.....	3,064.08
Attorney General, contingent.....	14,972.69
Attorney General, special peace officers.....	66,179.23
Attorney General, state agents—salaries and expense.....	25,733.82
<b>Total.....</b>	<b>\$ 159,775.56</b>
Auditor of State, salaries.....	45,128.56
Auditor of State, extra clerical assistance and contingent.....	635.18
Auditor of State, inventory conference expense.....	105.77
Auditor of State, county examinations.....	50,161.72
Auditor of State, municipal examinations.....	28,546.78
Auditor of State, county examinations, state expense.....	4,430.80
Auditor of State, municipal accounting—advisory committee.....	56.46
<b>Total.....</b>	<b>\$ 129,065.27</b>
Bacteriological Laboratory, salaries and expense.....	22,956.83
<b>Total.....</b>	<b>\$ 22,956.83</b>
Banking Department, salaries and expense.....	130,531.69
<b>Total.....</b>	<b>\$ 130,531.69</b>
Board of Accountancy, salaries and expense.....	119.86
<b>Total.....</b>	<b>\$ 119.86</b>
Board of Agriculture, salary of clerk—janitor.....	1,200.00
Board of Agriculture, insurance and improvements.....	2,000.00
Board of Agriculture, support of office.....	4,800.00
Board of Agriculture, additional land.....	4,513.00
Board of Agriculture, curbing.....	7,826.57
Board of Agriculture, paving.....	11,779.94
Board of Agriculture, cattle and barn.....	28,653.00
Board of Agriculture, maintenance and improvement of grounds.....	12,500.00
<b>Total.....</b>	<b>\$ 73,272.51</b>
Board of Arbitration, per diem and expense.....	368.31
<b>Total.....</b>	<b>\$ 368.31</b>
Board of Chiropractic Examiners, per diem and expense.....	10,220.45
<b>Total.....</b>	<b>\$ 10,220.45</b>
Board of Conservation, salary of assistant secretary.....	2,400.00
<b>Total.....</b>	<b>\$ 2,400.00</b>
Board of Control, salaries.....	93,293.88
Board of Control, traveling expense.....	10,853.32
Board of Control, contingent.....	3,604.43
Board of Control, tuberculosis expense.....	4,522.78
Board of Control, non-resident insane, cost and expense.....	3,692.04
Board of Control, non-resident insane, removal and expense.....	181.74
Board of Control, transportation of insane—expense.....	13.48
Board of Control, escaped insane, expense of return.....	1,646.94
Board of Control, inspection of hospitals.....	5,012.70
Board of Control, expense of state agents.....	20,487.36
Board of Control, maintenance of state roads.....	63,412.52
Board of Control, medical attention friendless girls.....	2,450.00
Board of Control, consulting architect, expense.....	2,389.87
Board of Control, quarterly conference, expense.....	359.13
Board of Control, paroled inebriates, expense of return.....	121.17
Board of Control, commission of inquiry, expense.....	41.90
<b>Total.....</b>	<b>\$ 212,082.26</b>
Board of Dental Examiners, per diem and expense.....	5,499.85
<b>Total.....</b>	<b>\$ 5,499.85</b>
Board of Education, salaries of employees.....	34,332.51
Board of Education, members' per diem and expense.....	5,974.64
Board of Education, traveling expense—finance committee and assistants.....	11,717.98
Board of Education, misc. telegraph, telephone, etc.....	682.82
Board of Education, instruction of deaf children, state aid.....	5,328.75
Board of Education, compulsory education of blind and deaf children, expense.....	3,883.08
Board of Education, child welfare, research station.....	50,000.00
<b>Total.....</b>	<b>\$ 111,899.78</b>

## CONDITION OF TREASURY

Board of Engineering Examiners, per diem and expense.....	\$ 8,260.26
Total.....	\$ 8,260.26
Board of Health, salaries.....	\$ 38,986.98
Board of Health, contingent and expense.....	12,080.81
Board of Health, antitoxin dept., expense.....	3,983.26
Board of Health, embalmers dept., expense.....	2,408.46
Board of Health, plumbing inspection.....	9.40
Board of Health, housing dept., sanitary investigation expense.....	9,421.58
Board of Health, vital statistics.....	13,141.45
Board of Health, nurses department.....	3,212.51
Total.....	\$ 83,244.45
Board of Medical Examiners, expenses.....	\$ 1,707.28
Total.....	\$ 1,707.28
Board of Optometry Examiners, per diem and expense.....	\$ 918.08
Total.....	\$ 918.08
Board of Parole, salaries.....	\$ 22,736.73
Board of Parole, members' per diem and traveling expense and employees' traveling expense.....	40,147.74
Total.....	\$ 62,884.47
Board of Podiatry Examiners, per diem and expense.....	\$ 239.73
Total.....	\$ 239.73
Beef Cattle Producers Association, salary and expense.....	\$ 13,131.57
Total.....	\$ 13,131.57
Bureau of Labor, salaries.....	\$ 32,679.96
Bureau of Labor, traveling expense.....	7,475.04
Total.....	\$ 40,155.00
Bureau of Venereal Disease Control, salaries and expense.....	\$ 54,334.71
Total.....	\$ 54,334.71
Capitol Extension Reimbursement.....	\$ 74,430.82
Total.....	\$ 74,430.82
Clerk of the Supreme Court, salaries.....	\$ 19,029.93
Clerk of the Supreme Court, contingent.....	360.00
Total.....	\$ 19,389.93
Collateral Inheritance Tax, court costs.....	\$ 39.10
Collateral Inheritance Tax, fees.....	48,471.03
Collateral Inheritance Tax, refunds.....	4,106.42
Total.....	\$ 52,616.55
Commerce Counsel, salaries.....	\$ 10,235.17
Total.....	\$ 10,235.17
Commission of Animal Health, salaries and expense.....	\$ 418,706.86
Total.....	\$ 418,706.86
Corn and Small Grain Growers Association, salaries and expense.....	\$ 8,101.83
Total.....	\$ 8,101.83
County refunds.....	\$ 6,588.42
Total.....	\$ 6,588.42
Custodian, salaries.....	\$ 117,384.44
Custodian, extra help.....	5,507.51
Custodian, removal of snow and extra help.....	609.42
Custodian, laundry.....	566.88
Total.....	\$ 124,068.25
Dairy Association, salaries and expense.....	\$ 11,531.46
Total.....	\$ 11,531.46
Dairy and Food, salaries.....	\$ 117,716.60
Dairy and Food, inspectors' per diem.....	7,525.73
Dairy and Food, contingent.....	1,575.70
Dairy and Food, expense.....	72,107.68
Total.....	\$ 198,925.71
District Court (Judges), salaries.....	\$ 511,883.33
District Court (Judges), traveling expense.....	44,444.39
District Court (Judges), traveling expense (outside district).....	1,006.07
Total.....	\$ 557,333.79
Document Editor, salaries.....	\$ 6,126.81
Document Editor, printing bills and classified indexes.....	235.53
Total.....	\$ 6,362.34



## CONDITION OF TREASURY

Educational Board of Examiners, per diem and expense.....	\$	41,419.68
Total.....	\$	41,419.68
Entomologist, per diem and expense.....	\$	10,416.97
Total.....	\$	10,416.97
Executive Council, salaries.....	\$	55,081.84
Executive Council, furniture, stores and supplies.....	\$	191,509.39
Executive Council, telephone, telegraph, water, repairs, etc.....	\$	19,891.21
Executive Council, fuel.....	\$	37,705.05
Executive Council, repairs and improvements.....	\$	16,444.07
Executive Council, road improvement machinery freight and expense.....	\$	67,348.73
Executive Council, members' and employees' traveling expense.....	\$	857.91
Executive Council, survey of lake beds, expense.....	\$	50,382.81
Executive Council, drainage of lakes.....	\$	7,507.79
Executive Council, G. A. R. encampment, expense.....	\$	10.00
Executive Council, necessary expense (no appropriation).....	\$	2,018.55
Executive Council, investigations, etc., expense.....	\$	61,159.22
Executive Council, cost, state cases.....	\$	20,209.11
Executive Council, Great Lakes, Saint Lawrence project.....	\$	4,731.68
Executive Council, improvement of highways.....	\$	142,375.52
Executive Council, boundary commission, compensation and expense.....	\$	207.58
Executive Council, Governor's conference.....	\$	500.00
Total.....	\$	687,940.49
Express, freight and drayage.....	\$	5,383.40
Total.....	\$	5,383.40
Farmers' Institute, state aid.....	\$	7,768.96
Total.....	\$	7,768.96
Federal Aid Engineering.....	\$	996,411.40
Total.....	\$	996,411.40
Fish and Game, salaries and expense.....	\$	243,512.11
Fish and Game, boundary waters, expense.....	\$	6,729.67
Total.....	\$	250,241.78
Fire Marshal, salaries.....	\$	18,156.70
Fire Marshal, expense, traveling and fees.....	\$	11,089.15
Fire Marshal, contingent.....	\$	1,909.50
Total.....	\$	31,155.35
Grand Army of the Republic, support.....	\$	1,500.00
Total.....	\$	1,500.00
General Assembly—Thirty-ninth, members' salaries.....	\$	158,200.00
General Assembly—Thirty-ninth, members' mileage.....	\$	2,104.70
General Assembly—Thirty-ninth, employes' salaries.....	\$	67,250.20
General Assembly—Thirty-ninth, chaplains.....	\$	640.00
General Assembly—Thirty-ninth, sundry appropriations.....	\$	2,621.25
General Assembly—Thirty-ninth, inaugural expense.....	\$	718.00
General Assembly—Thirty-ninth, joint committee on tax revision.....	\$	2,775.82
General Assembly—Thirty-ninth, Rathbun investigation.....	\$	155.06
General Assembly—Thirty-ninth, John Hammill.....	\$	2,000.00
General Assembly—Thirty-ninth, A. W. McFarlane.....	\$	1,000.00
General Assembly—Thirty-ninth, D. C. Mott.....	\$	1,000.00
General Assembly—Thirty-ninth, Henry and Nina Peterson.....	\$	500.00
General Assembly—Thirty-ninth, A. C. Waters, trustee for LeVerne Peterson.....	\$	4,500.00
General Assembly—Thirty-ninth, voting system, balance due.....	\$	3,736.56
Total.....	\$	247,201.59
Geological Survey, secretary's salary.....	\$	3,220.00
Geological Survey, expense.....	\$	16,351.87
Total.....	\$	19,571.87
Governor, salaries.....	\$	29,599.91
Governor, contingent and expense.....	\$	1,702.17
Governor, publication of notices.....	\$	94.41
Governor, additional counsel.....	\$	600.00
Governor, railroad valuation expense (Also see R. R. Com.).....	\$	1,688.87
Governor, return of fugitives, expense.....	\$	138.90
Governor, reward for arrest and conviction of criminal.....	\$	2,350.00
Total.....	\$	36,174.26
Highway Commission, maintenance fund.....	\$	1,400,015.07
Total.....	\$	1,400,015.07
Historical Department, salaries.....	\$	67,935.89
Historical Department, traveling expense.....	\$	1,124.02
Historical Department, miscellaneous co-operation, etc.....	\$	104.94
Historical Department, historic motion pictures.....	\$	2,163.26
Historical Department, binding and supplies (Archives).....	\$	665.00
Historical Department, portraits.....	\$	1,800.00
Historical Department, historical expense.....	\$	198.88
Historical Department, archives expense.....	\$	1,224.50

## CONDITION OF TREASURY

Historical Department, board of conservation expense.....	719.20
Total.....	\$ 75,935.49
Historical Society, permanent support .....	24,000.00
Historical Society, additional permanent support—37th.....	4,000.00
Historical Society, additional permanent support—39th.....	20,500.00
Total.....	\$ 68,500.00
Horticultural Society, support .....	8,000.00
Horticultural Society, exposition expense .....	12,000.00
Total.....	\$ 20,000.00
Hotel Inspection, salaries and expense.....	35,377.75
Total.....	\$ 35,377.75
Industrial Commissioner, salaries and expense.....	15,780.74
Industrial Commissioner, salaries .....	15,437.10
Industrial Commissioner, contingent and expense.....	1,458.37
Total.....	\$ 32,626.21
Insurance Department, salaries and examiners' per diem and expense.....	41,304.73
Insurance Department, salaries .....	30,671.60
Insurance Department, examiners' per diem and expense (state expense).....	13,261.27
Insurance Department, contingent and expense .....	2,379.67
Insurance Department, examinations (insurance) .....	74,683.59
Insurance Department, examinations (fraternal) .....	7,436.16
Insurance Department, tax refunds .....	47,003.98
Total.....	\$ 216,741.00
Library Commission, salaries .....	24,204.73
Library Commission, expense .....	17,629.14
Total.....	\$ 41,833.87
Mine Examiners, Board of, per diem and traveling expense.....	4,306.01
Total.....	\$ 4,306.01
Mine Inspectors, Salaries .....	20,200.00
Mine Inspectors, traveling expense (District No. 1).....	1,691.60
Mine Inspectors, office expense (District No. 1).....	132.80
Mine Inspectors, traveling expense (District No. 2).....	1,682.64
Mine Inspectors, office expense (District No. 2).....	140.05
Mine Inspectors, traveling expense (District No. 3).....	862.64
Total.....	\$ 24,709.33
Motor Vehicle Department, salaries and expense.....	531,307.61
Total.....	\$ 531,307.61
National Guard, support .....	484,016.24
National Guard, strike duty .....	6,730.35
National Guard, compensation for injury, expense, etc.....	3,101.45
Total.....	\$ 493,848.04
Oil Inspection, salaries and expense .....	53,765.75
Oil Inspection, salaries .....	35,490.30
Oil Inspection, traveling expense .....	14,439.25
Total.....	\$ 103,695.30
Pensions, Spirit Lake survivors .....	735.33
Pensions, northern border brigade .....	16,603.32
Pensions, widows of survivors.....	3,272.67
Pensions, relief of various persons.....	600.00
Total.....	\$ 21,211.32
Permanent School Fund Interest.....	656.24
Total.....	\$ 656.24
Permanent School Fund, Redemption of Bonds .....	10,937.18
Total.....	\$ 10,937.18
Pharmacy Commission, members' and secretary's salary .....	6,600.00
Pharmacy Commission, members' per diem and traveling expense.....	4,848.96
Pharmacy Commission, secretary's salary .....	2,100.00
Pharmacy Commission, members' traveling expense .....	3,700.75
Pharmacy Commission, expense .....	146.60
Pharmacy Commission, contingent and clerical assistance.....	1,137.00
Pharmacy Commission, secretary's traveling expense.....	35.84
Total.....	\$ 18,569.15
Primary Road Fund.....	\$21,700,534.64
Spirit Lake highway.....	8,433.66
County apportionment .....	215,307.25
Total.....	\$21,924,284.55
Presidential Electors, compensation and mileage.....	197.90
Total.....	\$ 197.90
Printing Board, salaries .....	14,040.74
Printing Board, members' per diem and traveling expense.....	1,346.94

CONDITION OF TREASURY

Printing Board, printing and binding.....	490,032.98
Total.....	\$ 505,420.66
Prison Breach, costs and fees.....	\$ 329.85
Total.....	\$ 329.85
Providential Contingent.....	\$ 17,168.75
Total.....	\$ 17,168.75
Psychopathic Hospital, support.....	\$ 118,509.42
Psychopathic Hospital, buildings and equipment.....	130,000.00
Psychopathic Hospital, equipment.....	62,000.00
Psychopathic Hospital, to complete construction.....	35,000.00
Total.....	\$ 345,509.42
Poultry Associations, county show, state aid.....	\$ 7,844.28
Poultry Associations, state show, state aid.....	954.30
Total.....	\$ 8,798.58
Railroad Commission, salaries.....	\$ 83,696.38
Railroad Commission, expense.....	27,140.40
Railroad Commission, valuation department (Also see Governor).....	22,735.46
Total.....	\$ 133,572.24
Removal expense.....	\$ 32.24
Total.....	\$ 32.24
Relief, Frederick M. Hull.....	\$ 240.00
Relief, Joseph Metz.....	240.00
Total.....	\$ 480.00
Reporter, Supreme Court, salaries.....	\$ 16,364.52
Reporter, Supreme Court, extra stenographer.....	600.00
Reporter, Supreme Court, preparation supplement to compiled code and code Rev. (333-39th).....	18,367.69
Reporter, Supreme Court, preparation of code annotations (323-39th).....	8,961.63
Reporter, Supreme Court, clerical assistants, publishing session laws.....	637.00
Reporters, Supreme Court, code revision and preparation code annotations (50-38).....	6,480.19
Total.....	\$ 51,411.03
Retrenchment and Reform Committee, per diem and expense.....	\$ 1,671.01
Retrenchment and Reform Committee, contingent.....	14,414.65
Total.....	\$ 16,085.66
Reward for return of escaped prisoners.....	\$ 1,025.00
Total.....	\$ 1,025.00
Secretary of State, salaries.....	\$ 46,162.78
Secretary of State, purchase of supreme court reports.....	8,386.06
Secretary of State, submission of constitutional amendment.....	1,038.75
Secretary of State, publishing laws and census.....	4,102.40
Secretary of State, survey of abandoned islands.....	2,796.23
Secretary of State, blue sky contingent.....	320.87
Total.....	\$ 62,307.09
State Library, salaries.....	\$ 87,103.49
State Library, law and legislative reference department salaries.....	10,685.17
State Library, historical department expense.....	16,571.40
State Library, law and legislative reference work.....	3,907.17
State Library, law and legislative reference dept. expense.....	12,039.87
State Library, miscellaneous department expense.....	12,011.61
State Library, medical department salaries.....	3,944.34
State Library, medical department expense.....	5,116.99
State Library, extra help and apprentices.....	1,199.94
Total.....	\$ 102,579.98
State public parks.....	\$ 218,465.85
Total.....	\$ 218,465.85
Superintendent of Public Instruction, salaries.....	\$ 43,199.29
Superintendent of Public Instruction, traveling expense.....	4,259.83
Superintendent of Public Instruction, contingent.....	2,041.54
Superintendent of Public Instruction, mining camp schools.....	90,732.13
Superintendent of Public Instruction, Teachers' Placement Bureau, additional clerical help.....	4,343.21
Superintendent of Public Instruction, normal training state aid and supervisory expense.....	330,072.13
Superintendent of Public Instruction, consolidated schools, state aid.....	299,997.95
Superintendent of Public Instruction, standard rural schools, state aid expense.....	191,350.24
Superintendent of Public Instruction, normal institute, state aid.....	9,950.00
Superintendent of Public Instruction, inspectors' traveling expense.....	2,643.59
Total.....	\$ 978,589.91
Supreme Court, salaries.....	\$ 106,692.50
Supreme Court, contingent.....	1,036.53
Total.....	\$ 107,729.03

## CONDITION OF TREASURY

Temple of Justice.....	\$	21,852.10
Total.....	\$	21,852.10
Treasurer of State, salaries.....	\$	56,654.18
Treasurer of State, cigarette department, salaries and traveling expense.....	\$	19,537.02
Treasurer of State, cigarette tax refund.....		608.14
Treasurer of State, examiners' traveling expense.....		3,222.74
Treasurer of State, contingent.....		2,680.47
Treasurer of State, parole relief funds.....		1,250.00
Treasurer of State, bond premiums.....		4,000.00
Treasurer of State, citation for examinations.....		248.09
Total.....	\$	88,200.64
Veterinary Surgeon, salaries.....	\$	5,218.35
Total.....	\$	5,218.35
Vocational Education, salaries and expense (schools).....	\$	44,113.49
Vocational Education, office salaries and expense.....		61,949.45
Total.....	\$	106,062.94
Vocational Rehabilitation, support.....	\$	4,113.37
Vocational Rehabilitation, additional office equipment.....		576.95
Vocational Rehabilitation, temporary support (to 6-30-21).....		26.03
Total.....	\$	4,716.35
War Roster Commission, salaries and expense.....	\$	15,509.69
Total.....	\$	15,509.69
University Hospital, care of indigent children and persons.....	\$	1,138,029.72
Total.....	\$	1,138,029.72
Weather and Crop Service Bureau, salaries.....	\$	10,434.26
Weather and Crop Service Bureau, miscellaneous clerk hire.....		822.50
Weather and Crop Service Bureau, miscellaneous expense.....		1,063.48
Total.....	\$	12,320.24
Workmen's Compensation, re-imbusement to state employees.....	\$	18,979.99
Total.....	\$	18,979.99
School for Deaf—Council Bluffs, support fund.....	\$	246,149.57
School for Deaf—Council Bluffs, cottage for small children.....		30,000.00
School for Deaf—Council Bluffs, scholarships.....		1,000.00
School for Deaf—Council Bluffs, repair and contingent.....		30,000.00
School for Deaf—Council Bluffs, library and book binding.....		1,000.00
School for Deaf—Council Bluffs, equipment.....		91,000.00
School for Deaf—Council Bluffs, paving.....		17,390.33
Total.....	\$	416,539.90
Iowa State College—Ames, soldier tuition, 38th.....	\$	21,906.58
Iowa State College—Ames, enlargement of buildings and additional buildings, 37th and 38th.....		28,200.00
Iowa State College—Ames, repairs and improvements, barns, etc., 38th.....		15,700.00
Iowa State College—Ames, extension heating system, etc., 37th and 38th.....		27,150.00
Iowa State College—Ames, armory building, 37th.....		114,800.00
Iowa State College—Ames, completion of buildings, 37th.....		50,000.00
Iowa State College—Ames, sewer construction and paving, 37th and 38th.....		8,100.00
Iowa State College—Ames, library building, 38th.....		5,000.00
Iowa State College—Ames, state apiarist, 37th.....		3,300.00
Iowa State College—Ames, construction of buildings, purchase of land, 39th.....		138,500.00
Iowa State College—Ames, permanent college support fund, 39th.....		759,000.00
Iowa State College—Ames, summer session, 39th.....		20,000.00
Iowa State College—Ames, sub-collegiate courses in Agriculture, etc., 39th.....		20,000.00
Iowa State College—Ames, contingent fund, repair and minor improvements, 39th.....		10,000.00
Iowa State College—Ames, library books and periodicals, 39th.....		20,000.00
Iowa State College—Ames, maintenance and improvement public grounds, 39th.....		10,000.00
Iowa State College—Ames, soldier tuition, 39th.....		30,980.00
Iowa State College—Ames, engineering experiment station, 39th.....		20,000.00
Iowa State College—Ames, agricultural experiment station, 39th.....		134,500.00
Iowa State College—Ames, agricultural and home economics extension, 39th.....		85,000.00
Iowa State College—Ames, trade school and engineering extension, 39th.....		10,000.00
Iowa State College—Ames, veterinary investigations, 39th.....		6,000.00
Iowa State College—Ames, equipment and furnishings for buildings, etc., 37th, 38th and 39th.....		164,900.00
Iowa State College—Ames, extension and equipment for heating plant, 39th.....		36,000.00
Iowa State College—Ames, additional construction and equipment, 36th and 39th.....		155,800.00
Iowa State College—Ames, permanent collegiate support, 36th and 38th.....		1,158,000.00
Iowa State College—Ames, summer session, 36th and 38th.....		62,500.00
Iowa State College—Ames, two- and four-year courses home economics, 36th.....		40,000.00
Iowa State College—Ames, sub-collegiate course, agriculture, etc., 36th and 38th.....		193,000.00
Iowa State College—Ames, contingent fund, 36th and 38th.....		96,000.00
Iowa State College—Ames, library books and periodicals, 36th and 38th.....		20,000.00
Iowa State College—Ames, winter short courses, 36th.....		28,500.00
Iowa State College—Ames, maintenance and improvement, public grounds, 38th and 38th.....		25,000.00
Iowa State College—Ames, veterinary practitioners' course, 36th.....		5,000.00
Iowa State College—Ames, engineering experiment station, 36th and 38th.....		40,000.00
Iowa State College—Ames, good roads experimentation, 36th.....		20,000.00
Iowa State College—Ames, agriculture, experiment station, 36th and 38th.....		331,000.00

CONDITION OF TREASURY

Iowa State College—Ames, agriculture and home economics extension, 36th and 38th .....	190,000.00
Iowa State College—Ames, engineering extension and trade schools, 36th and 38th .....	55,000.00
Iowa State College—Ames, veterinary investigations, 36th .....	25,000.00
Iowa State College—Ames, repairs and improvements, 36th .....	2,500.00
Iowa State College—Ames, animal husbandry, 37th .....	74,092.46
<b>Total .....</b>	<b>\$ 4,190,429.04</b>
State University—Iowa City, soldier tuition, 38th .....	\$ 24,913.00
State University—Iowa City, construction, buildings, purchase of land, 39th .....	165,000.00
State University—Iowa City, educational support, 39th .....	517,647.00
State University—Iowa City, college of liberal arts, law, etc., 39th .....	80,000.00
State University—Iowa City, college, medicine, 38th and 39th .....	125,000.00
State University—Iowa City, college, dentistry, 39th .....	20,000.00
State University—Iowa City, college, education, 39th .....	26,000.00
State University—Iowa City, graduate college, 39th .....	40,000.00
State University—Iowa City, summer school, 39th .....	38,000.00
State University—Iowa City, equipment and supplies, 39th .....	16,000.00
State University—Iowa City, equipment of buildings, 38th .....	50,000.00
State University—Iowa City, repair and contingent, 39th .....	43,000.00
State University—Iowa City, library, 39th .....	35,000.00
State University—Iowa City, buildings and grounds, 39th .....	80,000.00
State University—Iowa City, administration, 39th .....	18,000.00
State University—Iowa City, school of commerce, 38th and 39th .....	75,000.00
State University—Iowa City, nurses' training, 38th and 39th .....	40,000.00
State University—Iowa City, soldier tuition, 39th .....	39,010.00
State University—Iowa City, epidemiology laboratory, 39th .....	15,000.00
State University—Iowa City, university extension and public health service, 39th .....	43,000.00
State University—Iowa City, additional equipment for buildings, etc., 39th .....	75,000.00
State University—Iowa City, paving, etc., 38th and 39th .....	32,500.00
State University—Iowa City, general lighting system, 39th .....	5,000.00
State University—Iowa City, grading and planting, 39th .....	10,000.00
State University—Iowa City, additional reading room library, 39th .....	5,000.00
State University—Iowa City, educational support, 36th and 38th .....	1,009,400.00
State University—Iowa City, college arts and law, 36th .....	136,700.00
State University—Iowa City, college, dentistry, 36th, 37th and 38th .....	58,450.00
State University—Iowa City, college, education, 36th, 37th and 38th .....	50,000.00
State University—Iowa City, graduate college, 36th and 38th .....	38,000.00
State University—Iowa City, college, fine arts, 36th and 38th .....	11,000.00
State University—Iowa City, university extension, 36th, 37th and 38th .....	55,500.00
State University—Iowa City, summer school, 36th and 37th .....	52,000.00
State University—Iowa City, equipment and supplies, 36th and 38th .....	32,000.00
State University—Iowa City, repair and contingent, 36th and 38th .....	83,000.00
State University—Iowa City, buildings and grounds, 36th and 38th .....	39,500.00
State University—Iowa City, administration, 36th and 38th .....	20,450.00
State University—Iowa City, library, 36th and 38th .....	47,500.00
State University—Iowa City, epidemiology laboratory, 36th and 38th .....	15,000.00
State University—Iowa City, fire proofing old Capitol building, 37th .....	35,000.00
State University—Iowa City, nurses' home, 38th .....	120,000.00
State University—Iowa City, completion nurses' home, 39th .....	25,000.00
State University—Iowa City, armory buildings, 37th .....	35,000.00
<b>Total .....</b>	<b>\$ 3,481,570.00</b>
Iowa Teachers' College—Cedar Falls, improvement and equipment gymnasium, 37th .....	\$ 1,000.00
Iowa Teachers' College—Cedar Falls, teachers' fund, 39th .....	165,000.00
Iowa Teachers' College—Cedar Falls, summer term, 39th .....	44,000.00
Iowa Teachers' College—Cedar Falls, contingent and repair, 39th .....	100,000.00
Iowa Teachers' College—Cedar Falls, library, 39th .....	10,000.00
Iowa Teachers' College—Cedar Falls, librarian's salary fund, 39th .....	8,000.00
Iowa Teachers' College—Cedar Falls, hospital fund, 39th .....	6,000.00
Iowa Teachers' College—Cedar Falls, extension service, fund, 39th .....	30,000.00
Iowa Teachers' College—Cedar Falls, extension summer school, 38th and 39th .....	55,000.00
Iowa Teachers' College—Cedar Falls, teachers' fund, 36th and 38th .....	329,000.00
Iowa Teachers' College—Cedar Falls, summer term fund, 36th and 38th .....	84,000.00
Iowa Teachers' College—Cedar Falls, contingent and repair, 36th and 38th .....	189,500.02
Iowa Teachers' College—Cedar Falls, library, 36th and 38th .....	15,000.00
Iowa Teachers' College—Cedar Falls, librarian's salary fund, 36th and 38th .....	20,000.00
Iowa Teachers' College—Cedar Falls, hospital fund, 36th and 38th .....	7,500.00
Iowa Teachers' College—Cedar Falls, extension service fund, 36th and 38th .....	59,500.00
Iowa Teachers' College—Cedar Falls, equipment and training school building, 37th .....	2,700.00
Iowa Teachers' College—Cedar Falls, paving and sidewalks, 38th .....	5,000.00
<b>Total .....</b>	<b>\$ 1,131,200.02</b>
College for Blind—Vinton, support fund, 36th, 38th and 39th .....	\$ 110,564.26
College for Blind—Vinton, repair and contingent fund, 39th .....	6,500.00
College for Blind—Vinton, piano and furniture, 39th .....	5,000.00
College for Blind—Vinton, improvements, 39th .....	6,000.00
College for Blind—Vinton, equipment, 39th .....	6,000.00
College for Blind—Vinton, greenhouse, 39th .....	4,000.00
College for Blind—Vinton, support fund, 39th .....	40,000.00
College for Blind—Vinton, repair and contingent, 36th and 38th .....	4,000.00
College for Blind—Vinton, oculist fund, 36th .....	200.00
College for Blind—Vinton, printing plant, 36th .....	1,000.00
<b>Total .....</b>	<b>\$ 183,264.26</b>

## CONDITION OF TREASURY

State Institution Accounts, special appropriation, 37th, 38th and 39th.....	\$	40,204.84
<b>Total.....</b>	<b>\$</b>	<b>40,204.84</b>
Anamosa, support, 38th .....	\$	403,048.59
Anamosa, salaries, officers and employees, 38th .....		213,863.85
Anamosa, salaries of foremen, 38th.....		2,498.22
Anamosa, establishment and maintenance, industries, 35th.....		310,528.67
Anamosa, dental, oculist, etc., 38th.....		1,002.15
Anamosa, power house, 31st .....		1,000.00
Anamosa, heating industrial building, 37th.....		999.84
Anamosa, two silos, 39th.....		2,000.00
Anamosa, hog house, 39th.....		1,087.85
Anamosa, slaughter house, 39th.....		1,485.00
Anamosa, transportation of prisoners and gift money, 39th.....		7,923.73
Anamosa, dental, oculist, etc., 39th.....		1,515.70
Anamosa, lectures, amusements, etc., 39th.....		1,409.98
Anamosa, contingent and repair, 39th.....		25,379.32
Anamosa, purchase of land, 38th and 39th.....		52,135.75
Anamosa, gate receipts, 35th.....		1,115.97
<b>Total.....</b>	<b>\$</b>	<b>1,026,992.62</b>
Cherokee, support, 38th .....	\$	716,226.19
Cherokee, contingent and repair, 38th.....		15,854.33
Cherokee, improvement of water supply, 37th.....		41,165.84
Cherokee, new boilers and stokers, 38th.....		12,000.00
Cherokee, completion of waterworks, 38th.....		16,543.49
Cherokee, paving, 38th .....		38,867.29
Cherokee, plumbing renewals, 39th.....		3,141.40
Cherokee, dairy barn, 39th.....		10,000.00
Cherokee, root cellar, 39th.....		4,885.00
Cherokee, slaughter house, 39th.....		2,500.00
Cherokee, contingent and repair, 39th.....		24,692.68
Cherokee, comp. grading, curbing, etc., 39th.....		1,843.45
<b>Total.....</b>	<b>\$</b>	<b>885,719.47</b>
Clarinda, support, 38th .....	\$	668,465.51
Clarinda, tubercular hospital, 37th.....		5,497.53
Clarinda, books and periodicals, 36th.....		12,000.00
Clarinda, dairy barn, 37th.....		34,151.87
Clarinda, contingent and repair, 38th.....		1,988.82
Clarinda, tubercular hospital and equipment, 39th.....		19,498.88
Clarinda, plumbing and fixtures, 39th.....		
Clarinda, contingent and repair, 39th.....		
<b>Total.....</b>	<b>\$</b>	<b>741,602.61</b>
Davenport, support, 38th .....	\$	276,529.93
Davenport, gymnasium buildings, 37th.....		30,000.00
Davenport, dental, oculist, etc., 38th.....		1,564.62
Davenport, land, 35th .....		2,394.80
Davenport, transfer of children, 38th.....		1,858.41
Davenport, chaplains, lectures, etc., 38th.....		542.10
Davenport, coal storage and repairs, 39th.....		3,000.00
Davenport, dental, oculist, etc., 39th.....		521.75
Davenport, chaplains, lectures, etc., 39th.....		1,356.99
Davenport, contingent and repairs, 39th.....		29,028.37
Davenport, bath rooms, 37th.....		1.01
<b>Total.....</b>	<b>\$</b>	<b>346,797.98</b>
Eldora, support, 38th .....	\$	316,751.12
Eldora, chaplain, lectures, etc., 38th.....		746.00
Eldora, athletic fund, 37th.....		93.94
Eldora, repair cottages, 37th.....		2,864.55
Eldora, books and periodicals, 37th.....		84.38
Eldora, administration, building repairs, 36th.....		1,224.62
Eldora, boys' cottage and furniture, 37th.....		138.21
Eldora, land, 38th .....		6,911.13
Eldora, gymnasium, 36th .....		701.04
Eldora, steam boilers and equipment, 39th.....		53.62
Eldora, mangle and laundry equipment, 39th.....		357.75
Eldora, equipment and supplies, educational dept., 39th.....		1,008.85
Eldora, transportation of boys, 39th.....		1,580.72
Eldora, dental, oculist, etc., 39th.....		6,310.82
Eldora, chaplain, lectures, etc., 39th.....		958.70
Eldora, contingent and repair, 39th.....		36,251.34
Eldora, farm implements, 37th.....		267.40
Eldora, equipment for machine shop, 37th.....		993.41
<b>Total.....</b>	<b>\$</b>	<b>377,277.60</b>
Fort Madison, support, 38th .....	\$	309,114.67
Fort Madison, salaries, 38th .....		166,369.88
Fort Madison, establishment and maintenance, industries, 35th.....		54,825.02
Fort Madison, establishment and maintenance, industries, 36th.....		371,801.70
Fort Madison, establishment and maintenance, industries, 37th.....		32,894.11
Fort Madison, locks for cells, 30th.....		12.18
Fort Madison, re-roofing, etc., 34th.....		227.50
Fort Madison, gate receipts, 35th.....		1,715.35
Fort Madison, transportation of prisoners, 38th.....		1,777.68
Fort Madison, contingent and repair, 38th.....		8,304.59

## CONDITION OF TREASURY

Fort Madison, fencing, 36th .....	166.15
Fort Madison, purchase, farm land, 38th.....	1,600.00
Fort Madison, dental, oculist, etc., 38th.....	1,379.32
Fort Madison, lecturers, amusements, etc., 38th.....	313.90
Fort Madison, cell house and equipment, 39th.....	422.78
Fort Madison, transportation of prisoners and gift money, 39th.....	525.00
Fort Madison, dental, oculist, etc., 39th.....	1,423.46
Fort Modison, lectures and concerts, 39th.....	47.23
Fort Madison, contingent and repairs, 39th.....	12,804.91
<b>Total.....</b>	<b>\$ 965,224.93</b>
Glenwood, support, 38th .....	\$ 869,219.93
Glenwood, bakery building, 38th.....	28,890.44
Glenwood, laundry machinery, 39th.....	4,801.00
Glenwood, repairs and extension, steam heat, 39th.....	12,372.74
Glenwood, chaplain, lectures, etc., 39th.....	675.27
Glenwood, contingent and repair, 39th.....	19,539.49
Glenwood, industrial buildings and equipment, 39th.....	33,604.01
Glenwood, building for boys, 37th.....	147.96
<b>Total.....</b>	<b>\$ 969,250.84</b>
Independence, support, 38th .....	\$ 748,179.30
Independence, contingent and repair, 38th.....	28,412.59
Independence, draining land, 37th.....	3,154.04
Independence, completion, power house, 38th.....	6,836.33
Independence, tubercular hospital, 37th.....	40,000.00
Independence, tubercular hospital (additional), 39th.....	14,945.15
Independence, barn for young stock, 39th.....	3,500.00
Independence, contingent and repair, 39th.....	18,010.73
<b>Total.....</b>	<b>\$ 863,038.14</b>
Knoxville, support, 30th.....	\$ 4,339.14
Knoxville, support, 38th.....	2,164.50
<b>Total.....</b>	<b>\$ 6,503.64</b>
Marshalltown, support, 38th .....	\$ 584,797.00
Marshalltown, contingent and repair, 38th.....	6,865.46
Marshalltown, additional buildings, 37th.....	86.33
Marshalltown, lectures, etc., 39th.....	1,054.60
Marshalltown, contingent and repair, 39th.....	26,586.93
Marshalltown, repairing main building.....	.05
<b>Total.....</b>	<b>\$ 619,390.37</b>
Mitchellville, support, 38th .....	\$ 161,277.93
Mitchellville, dental, oculist, etc., 37th.....	451.88
Mitchellville, remodeling laundry, 37th.....	1,993.58
Mitchellville, chaplain, lectures, etc., 38th.....	377.85
Mitchellville, boilers, 37th .....	1,500.00
Mitchellville, transportation of girls, 38th.....	460.58
Mitchellville, cottage and equipment, 38th.....	15,215.30
Mitchellville, wagon scales, 39th.....	47.14
Mitchellville, boiler and connections, 39th.....	7,725.94
Mitchellville, renewing tunnel pipe, etc., 39th.....	9,878.34
Mitchellville, library, books, etc., 39th.....	332.38
Mitchellville, music and instruments, 39th.....	89.60
Mitchellville, transportation of girls, 39th.....	257.06
Mitchellville, chaplain, 39th .....	238.76
Mitchellville, contingent and repair, 39th.....	20,920.39
<b>Total.....</b>	<b>\$ 220,766.73</b>
Mount Pleasant, support, 38th .....	\$ 706,997.88
Mount Pleasant, contingent and repair, 38th.....	26,839.74
Mount Pleasant, laundry building and equipment, 37th.....	29,563.33
Mount Pleasant, sewer, 37th .....	781.60
Mount Pleasant, hose and fire equipment, 37th.....	729.20
Mount Pleasant, new floors, 38th.....	22.43
Mount Pleasant, electric wiring and fixtures, 37th.....	743.32
Mount Pleasant, books and periodicals, 38th.....	340.79
Mount Pleasant, railway switch, 36th.....	72.48
Mount Pleasant, beds and bedding, 37th.....	263.75
Mount Pleasant, mechanical stokers, 38th.....	10,729.18
Mount Pleasant, coal crushing machine, 38th.....	2,075.51
Mount Pleasant, remodeling and refurnishing carriage barn, 39th.....	10,424.00
Mount Pleasant, boilers and stokers, 39th.....	14,167.91
Mount Pleasant, contingent and repair.....	19,858.18
Mount Pleasant, boiler house .....	412.10
Mount Pleasant, boilers .....	11,000.00
<b>Total.....</b>	<b>\$ 835,021.40</b>
Oakdale, support, 38th .....	\$ 346,600.09
Oakdale, contingent and repair, 38th.....	7,751.91
Oakdale, laboratory apparatus, 37th.....	44,983.41
Oakdale, switchboard, 37th .....	62.30
Oakdale, medical laboratory, 38th.....	25,000.00
Oakdale, completion and equipment laboratory building (add'l), 39th.....	64,971.84
Oakdale, additional hospital building, 39th.....	.....
Oakdale, tunnels and pipe connections, 39th.....	.....

## CONDITION OF TREASURY

Oakdale, chaplain, lectures, etc., 39th.....	973.46
Oakdale, contingent and repair, 39th.....	8,188.68
Oakdale, elevator, 37th.....	1,444.69
Oakdale, hospital and furniture, 36th.....	300.00
Oakdale, X-Ray machine, 38th.....	85.67
<b>Total.....</b>	<b>\$ 500,362.05</b>
Rockwell City, support, 38th.....	\$ 105,871.18
Rockwell City, contingent and repair, 38th.....	5,788.70
Rockwell City, sewage disposal, 38th.....	6,558.73
Rockwell City, pathological building, 37th.....	4,857.41
Rockwell City, pathological building, (Add'l), 38th.....	2,126.99
Rockwell City, fencing and drainage, 37th.....	1,020.71
Rockwell City, furniture and furnishings, 37th.....	225.60
Rockwell City, laundry and equipment, 37th.....	58.73
Rockwell City, lectures, amusements, etc., 38th.....	208.45
Rockwell City, lectures, amusements, etc., 39th.....	1,915.17
Rockwell City, industrial building and school house.....	.25
Rockwell City, cow barn and silos.....	688.33
Rockwell City, hog house, 38th.....	362.74
<b>Total.....</b>	<b>\$ 129,682.99</b>
Toledo, support, 38th.....	\$ 118,350.37
Toledo, electric wiring, etc., 38th.....	2,219.83
Toledo, poultry house, 38th.....	135.35
Toledo, furniture and supplies, 38th.....	10,000.00
Toledo, dairy and horse barn, 38th.....	1,500.00
Toledo, fences, gates, etc., 38th.....	908.95
Toledo, live stock, 38th.....	2,000.00
Toledo, farm implements, etc., 38th.....	907.64
Toledo, superintendent's cottage, 39th.....	4,935.70
Toledo, root cellar, 39th.....	3,183.86
Toledo, horse and dairy barn, 39th.....	4,062.55
Toledo, hog house, 39th.....	1,500.00
Toledo, sewer and cont. to outlet, 39th.....	1,523.28
Toledo, dental, oculist, etc., 39th.....	477.94
Toledo, chaplain, lectures, etc., 39th.....	188.85
Toledo, contingent and repair, 39th.....	16,523.24
Toledo, buildings.....	8,942.59
<b>Total.....</b>	<b>\$ 177,840.15</b>
Woodward, support.....	\$ 294,709.85
Woodward, cottage for tubercular patients, 37th.....	19,195.87
Woodward, horse barn, 37th.....	8,372.28
Woodward, fencing, 37th.....	265.70
Woodward, tunnels, 37th.....	283.50
Woodward, additional water supply, 38th.....	4,977.72
Woodward, water, 39th.....	69,905.11
Woodward, dormitory for employees, etc., 39th.....	9,284.45
Woodward, chapel, library, halls, etc., 39th.....	28,798.09
Woodward, root cellar, 39th.....	5,159.26
Woodward, dairy barn, second wing, 39th.....	2,826.25
Woodward, pictures, books, etc., 39th.....	93.10
Woodward, contingent and repair, 39th.....	16,853.64
Woodward, dining halls and kitchen, 38th.....	13,000.00
Woodward, books, pictures, etc., 37th.....	29.20
Woodward, hog house, 38th.....	504.25
<b>Total.....</b>	<b>\$ 474,258.27</b>
Grand total warrants issued July 1, 1920, to June 30, 1922.....	\$52,766,972.20
Warrants outstanding July 1, 1920.....	850,609.78
<b>Total.....</b>	<b>\$53,617,581.98</b>
Warrants redeemed July 1, 1920, to June 30, 1922.....	\$52,354,323.76
Warrants outstanding July 1, 1922.....	1,263,258.22
<b>Total.....</b>	<b>\$53,617,581.98</b>

TABLE NO. 3—SPECIAL FUND.

## Warrants Issued and Redeemed in the Capitol Grounds Extension Fund During the Biennial Period Ending June 30, 1922.

Warrants outstanding July 1, 1920.....	\$ 7,244.71
Warrants issued during biennium.....	348,170.60
<b>Total.....</b>	<b>\$ 355,415.31</b>
Warrants redeemed during biennium.....	\$ 354,173.49
Warrants outstanding June 30, 1922.....	1,241.82
<b>Total.....</b>	<b>\$ 355,415.31</b>



**LAWS**  
OF THE  
**Fortieth General Assembly**

OF THE  
**STATE OF IOWA**

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE CAPITAL  
OF THE STATE, BEGUN ON THE EIGHTH DAY OF JANUARY,  
AND ENDED ON THE SEVENTEENTH DAY OF APRIL,  
A. D. 1923, IN THE SEVENTY-SEVENTH  
YEAR OF THE STATE.

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**GENERAL LAWS**

**CHAPTER 1**

**CLAIMS AGAINST THE STATE**

H. F. 808

AN ACT regulating the filing of claims, not allowable under laws, requiring the examination thereof by the attorney general and to report his findings thereon to the next session of the general assembly.

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

1    **SECTION 1. Filing—investigation by attorney general.** That all per-  
2    sons having claims against the state of Iowa not allowable under the  
3    laws for any cause shall file a verified, itemized statement thereof  
4    with the attorney general of the state of Iowa, whereupon the said  
5    attorney general shall make a full and complete investigation of the  
6    facts on which such claim is founded; shall reduce to writing such  
7    evidence as may be submitted to him, take affidavits, or otherwise  
8    preserve such evidence as may be submitted by the claimant and it  
9    shall be the further duty of the attorney general to fully investigate  
10   all of the facts surrounding such claim and on which the same is  
11   founded and procure such evidence on his own motion as may be nec-  
12   essary to ascertain the truth concerning any such claim.

1     **SEC. 2. Duty of attorney general.** The attorney general shall, im-  
 2     mediately upon the appointment of the claims committee of the house  
 3     and senate at each session of the legislature, submit to said claims  
 4     committee, in writing, all of the evidence obtained by him upon every  
 5     claim as provided for in section one (1) hereof.

1     **SEC. 3. Prohibition.** That, in addition to the filing of a claim by  
 2     any claimant as provided for in section one (1) hereof, no such claim  
 3     shall be allowed by any officer, board, or commission, without an  
 4     enactment providing therefor shall have been legally passed by both  
 5     houses of the general assembly and signed by the governor, making  
 6     an appropriation for such claim in whole or in part.

1     **SEC. 4. Interpreting clause.** Nothing in this act shall be construed  
 2     as prohibiting or restricting the claims committee of either house of  
 3     the general assembly, or jointly, from making any further investiga-  
 4     tion as to the correctness of any claim as in its opinion may be deemed  
 5     right and proper.

Approved April 11, A. D. 1923.

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## CHAPTER 2

### REPORTER OF SUPREME COURT

H. F. 761

AN ACT to amend section two hundred twenty-four-e (224-e), supplemental supplement to the code, 1915, as amended by chapter four hundred two (402), acts of the thirty-seventh general assembly, (C. C. 170) relating to distribution of supreme court reports.

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

1     **SECTION 1. Reports—free distribution.** That section two hundred  
 2     twenty-four-e (224-e), supplemental supplement to the code, 1915, as  
 3     amended by chapter four hundred two (402), acts of the thirty-sev-  
 4     enth general assembly, (C. C. 170) be and the same is hereby amended  
 5     by inserting a comma (,) after the word "district" in line four (4),  
 6     and adding thereafter the word "municipal".

Approved April 20, A. D. 1923.

## CHAPTER 3

## EXECUTIVE COUNCIL

S. F. 734

AN ACT to amend section 155 of the code (C. C. 248); also to amend section 268 of the code (C. C. 262) to provide that the secretary of agriculture shall be a member of the executive council.

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

1 SECTION 1. **Membership enlarged.** Amend section 155 of the code  
2 (C. C. 248) by striking out the word "and" following the word "audi-  
3 tor" in line one (1) and by substituting a comma (,) therefor; also  
4 by inserting after the word "state" in line two (2) of said section a  
5 comma (,) and the words "secretary of agriculture".

1 SEC. 2. **Supplies and postage.** Amend section 168 of the code (C.  
2 C. 262) by inserting after the word "treasurer" in line five (5) the  
3 words "secretary of agriculture,".

1 SEC. 3. **Publication clause.** This act being deemed of immediate  
2 importance, shall take effect and be in force from and after its publi-  
3 cation in the Des Moines Capital and the Des Moines Register, news-  
4 papers published at Des Moines, Iowa, and of general circulation in  
5 the state of Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 23, 1923, and the Des Moines Register April 24, 1923.

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

Note: Evidently intended to amend 168 of supplement of 1913.

## CHAPTER 4

## BONDS

S. F. 703

AN ACT relating to the sale of bonds of the state of Iowa; providing that before any contract for the sale of bonds shall be consummated it must be approved by the executive council.

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

1 SECTION 1. **Sale of state bonds—approval.** All contracts for the  
2 sale of bonds issued by the state of Iowa shall be subject to the ap-  
3 proval of the executive council.

1 SEC. 2. **Publication clause.** This act being deemed of immediate  
2 importance shall take effect on and after its publication in the Des

3 Moines Register and the Des Moines Capital, newspapers published  
4 in Des Moines, Iowa.

Approved April 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 10, 1923, and the Des Moines Register April 11, 1923.

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

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## CHAPTER 5

### IOWA NATIONAL GUARD RESERVATION, CAMP DODGE

S. F. 572

AN ACT providing for the support and maintenance of the Iowa National Guard Res-  
ervation, Camp Dodge, and making an appropriation therefor.

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

1 SECTION 1. **Appropriation.** There is hereby annually appropriated  
2 out of any funds in the state treasury not otherwise appropriated  
3 the sum of ten thousand dollars (\$10,000.00), or so much thereof as  
4 may be necessary, for the maintenance of Camp Dodge. Expenditures  
5 from said appropriation shall be certified by the adjutant general and  
6 approved by the governor, and proper vouchers therefor shall be filed  
7 with the state board of audit before warrants are issued by the audi-  
8 tor of state. No indebtedness shall be created in excess of such an-  
9 nual appropriation.

Approved April 19, A. D. 1923.

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## CHAPTER 6

### PENSIONS

S. F. 234

AN ACT to pension survivors of the Frontier Guards of Mitchell's Cavalry, providing  
the amount of such pension, the method of payment, and making an appropriation  
therefor.

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

1 SECTION 1. **John Mitchell's cavalry.** That on and after the passage  
2 of this act the survivors of the Frontier Guards of Mitchell's Cavalry  
3 as shown by the original muster roll and payrolls of a military com-  
4 pany organized and commanded by John Mitchell under the authority  
5 of a commission dated July 4, 1861, signed by Governor Samuel J.  
6 Kirkwood and identified as "John Mitchell's Company of Iowa Vol-

7 unteers," all of which commission, payroll, and return thereon, is on  
 8 file in the official archives of Iowa in the historical department of  
 9 Iowa, and the surviving widows of deceased members thereof, shall  
 10 receive a pension of two hundred and forty dollars (\$240.00) on the  
 11 first day of June, 1923, and twenty dollars (\$20.00) per month there-  
 12 after during the lifetime of each such survivor, to be paid from the  
 13 state treasury on the proper voucher being made, and out of funds not  
 14 otherwise appropriated. Provided that in cases where the said sur-  
 15 vivors are now receiving a pension from the federal government, this  
 16 act shall not apply.

1 SEC. 2. **Publication clause.** This act being deemed of immediate  
 2 importance shall be in force and take effect from and after its publi-  
 3 cation in the Des Moines Capital and the Des Moines Register, news-  
 4 papers published in Des Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 23, 1923, and the Des Moines Register April 24, 1923.

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

## CHAPTER 7

### ELECTIONS

S. F. 570

AN ACT to amend section ten hundred eighty-seven-a twenty-five (1087-a25) and section  
 ten hundred eighty-seven-a twenty-seven (1087-a27) of the supplement to the code,  
 1913 (C. C. 388 and 390), and to provide for representation by both men and women  
 on the central committees of political parties.

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

1 SECTION 1. **County central committee.** That section ten hundred  
 2 eighty-seven-a twenty-five (1087-a25) of the supplement to the code,  
 3 1913 (C. C. 388) be, and the same is, hereby amended by striking  
 4 from lines twenty-two (22) to thirty-two (32) inclusive, thereof, the  
 5 following:

6 "One member of the county central committee for each political  
 7 party from each precinct shall be elected. His term of office shall  
 8 begin on the day of the county convention and immediately following  
 9 the adjournment thereof and shall continue for two years and until  
 10 his successor is elected and qualified, unless such committeeman shall  
 11 be removed by the county central committee for inattention to the  
 12 duties of his position, incompetency or failure to support the ticket  
 13 nominated by the party which elected him to such position. The  
 14 county central committee elected in the primary election shall or-  
 15 ganize on the day of the convention, immediately following the same.  
 16 Vacancies in such committee may be filled by majority vote of the  
 17 committee."

18 and by inserting in lieu thereof the following:

19 "One man and one woman shall be elected as members of the county  
 20 central committee for each political party from each precinct. The  
 21 term of office of each of them shall begin on the day of the county  
 22 convention and immediately following the adjournment thereof, and  
 23 shall continue for two years and until his or her successor is elected  
 24 and qualified, unless such committeeman or committeewoman shall  
 25 be removed by the county central committee for inattention to the  
 26 duties of the position, incompetency, or failure to support the ticket  
 27 nominated by the party which elected him or her to such position.  
 28 The county central committee elected in the primary election shall  
 29 organize on the day of the convention and immediately following the  
 30 same. Vacancies in such committee may be filled by majority vote  
 31 of the committee, but no two members thereof from the same pre-  
 32 cinct shall be of the same sex."

1 **SEC. 2. State central committee.** That section ten hundred eighty-  
 2 seven-a twenty-seven (1087-a27) of the supplement to the code, 1913  
 3 (C. C. 390) be, and the same is, hereby amended by striking from  
 4 line twenty-two (22) thereof the following: "not less than one mem-  
 5 ber" and by inserting in lieu thereof the following: "one man and of  
 6 one woman".

Approved April 16, A. D. 1923.

## CHAPTER 8

### ELECTIONS

H. F. 476

AN ACT to amend section ten hundred eighty (1080), of the code, (C. C. Sec. 414), relating to election registration lists.

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

1 **SECTION 1. Alphabetical lists—separation.** That section ten hun-  
 2 dred eighty (1080), of the code, (C. C. Sec. 414), be amended by  
 3 inserting after the period following the word "polls" in line fourteen  
 4 (14) of said section, "Such alphabetical lists may be divided by the  
 5 registers into not exceeding three separately bound parts."

Approved April 2, A. D. 1923.

## CHAPTER 9

## ELECTIONS

H. F. 465

AN ACT to repeal section eleven hundred thirty-one (1131) of the code (S. C. C. 451), relating to voting by women.

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

1 SECTION 1. **Repeal.** That section eleven hundred thirty-one (1131)  
2 of the code (S. C. C. 451), be and the same is hereby repealed.

1 SEC. 2. **Publication clause.** This act, being deemed of immediate  
2 importance, shall become effective upon the publication thereof in the  
3 Des Moines Register and Des Moines Capital, newspapers published  
4 in Des Moines, Iowa.

Approved February 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register February 24, 1923, and the Des Moines Capital February 24, 1923.

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

## CHAPTER 10

## ELECTIONS

S. F. 359

AN ACT to amend sections eleven hundred thirty-seven-c (1137-c), supplemental supplement to the code, 1915, (C. C. 522), and eleven hundred thirty-seven-e (1137-e), supplemental supplement to the code, 1915, (C. C. 524), relating to the absent voters' law.

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

1 SECTION 1. **Application for official ballot.** That section eleven  
2 hundred thirty-seven-c (1137-c), supplemental supplement to the  
3 code, 1915, (C. C. 522), be amended by striking from line three (3)  
4 thereof the word "fifteen" and by substituting in lieu thereof the  
5 word "twenty".

1 SEC. 2. **Delivering or mailing ballot.** That section eleven hundred  
2 thirty-seven-e (1137-e) supplemental supplement to the code, 1915,  
3 (C. C. 524), be amended by striking from line two (2) thereof the  
4 word "ten" and by substituting in lieu thereof the word "fifteen".

Approved March 20, A. D. 1923.

## CHAPTER 11

## ELECTIONS

S. F. 350

AN ACT to repeal chapter two hundred seventy-nine (279), acts of the thirty-ninth general assembly, (section 529, supplement to the C. C.), relating to the counting of absent voters' ballots in precincts using voting machines and to enact a substitute therefor.

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

## SECTION 1. Voting machines—registering ballots of absent voters.

1 That chapter two hundred seventy-nine (279), acts of the thirty-ninth  
2 general assembly, (section five hundred twenty-nine (529), supple-  
3 plement to the C. C.), be and the same is hereby repealed and the  
4 following is enacted in lieu thereof:

5 That section eleven hundred thirty-seven-j (1137-j), supplemental  
6 supplement to the code, 1915, (C. C. Sec. 529), be and the same is  
7 hereby amended by adding, after the word "person" in the fourteenth  
8 (14th) line of said section the following:

9 "provided, further, that in precincts using voting machines, said  
10 ballots shall be deposited in a ballot box kept for that purpose until  
11 just after the closing of the polls when they shall be taken out and  
12 shall be registered by two election judges of different political parties  
13 on the voting machine, the same as if the absent voters had been  
14 present and had voted in person."

Approved March 20, A. D. 1923.

## CHAPTER 12

## OFFICERS

H. F. 460

AN ACT to amend section twelve hundred fifty-eight-c (1258-c) of the supplement to the code, 1913, as amended by chapter three hundred ninety-one (391) of the acts of the thirty-seventh general assembly (C. C. Sec. 649) relating to the removal of public officers and to extend the provisions thereof to include appointive officers.

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

1 SECTION 1. Removal of appointive officers. That section twelve  
2 hundred fifty-eight-c (1258-c) of the supplement to the code, 1913,  
3 as amended by chapter three hundred ninety-one (391) of the acts  
4 of the thirty-seventh general assembly (C. C. Sec. 649) be and the  
5 same is hereby amended by inserting after the word "elective" where  
6 it appears as the second word of said section as amended, the words  
7 "and appointive".

Approved March 29, A. D. 1923.



## CHAPTER 13

## INVENTORY BY PUBLIC OFFICERS

H. F. 297

AN ACT to repeal the law as it appears in chapter one hundred seventy-seven (177) of the laws of the thirty-ninth (39th) general assembly (S. C. C. 683-a4-683-a12), relating to inventory by public officers.

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

- 1 SECTION 1. **Repeal.** That chapter one hundred seventy-seven (177)  
 2 of the laws of the thirty-ninth (39th) general assembly be and the  
 3 same is hereby repealed.

Approved April 2, A. D. 1923.

## CHAPTER 14

## BONDS

H. F. 576

AN ACT making it unlawful for officers of counties, cities, towns, townships and school corporations to sell bonds issued by such county, city, town, township or school corporation for less than par or to pay any commission for the sale of the same and providing a penalty for its violation.

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

- 1 SECTION 1. **Sale for less than par—commissions.** It shall be un-  
 2 lawful for any county, city or town, including cities acting under  
 3 special charter, or any township or school corporation to sell any of  
 4 its bonds for less than par plus accrued interest or to pay any com-  
 5 mission, either directly or indirectly, in connection with the sale of  
 6 such bonds or to pay any expense in connection with such sale other  
 7 than the expenses incurred in advertising such bonds for sale.  
 8 Any officer of the county, city, town, township or school corporation  
 9 who becomes a party to the sale of bonds in violation of this act shall  
 10 be guilty of a misdemeanor and, upon conviction, shall be punished  
 11 accordingly.

Approved April 12, A. D. 1923.

## CHAPTER 15

## NEPOTISM

H. F. 391

AN ACT to prohibit nepotism within this state.

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

1     **SECTION 1. Employment prohibited—exceptions.** It shall hereafter  
2 be unlawful for any person elected or appointed to any public office  
3 or position under the laws of the state of Iowa or by virtue of the  
4 ordinance of any city or town in said state, to appoint as deputy,  
5 clerk or helper in said office or position to be paid from the public  
6 funds, any person related by consanguinity or affinity, within the  
7 third degree, to the person elected, appointed, or making said appoint-  
8 ment, unless such appointment shall first be approved by the officer,  
9 board, council, or commission whose duty it is to approve the bond  
10 of the principal. Provided, this provision shall not apply in cases  
11 where such person appointed receives compensation at the rate of  
12 six hundred dollars (\$600.00) per year or less, nor shall it apply to  
13 persons teaching in public schools.

1     **SEC. 2. Penalty.** No person so unlawfully appointed or employed  
2 shall be paid or receive any compensation from the public money and  
3 such appointment shall be null and void and any person or persons  
4 so paying the same or any part thereof, together with his bondsmen,  
5 shall be liable for any and all moneys so paid.

1     **SEC. 3. Applicability of act.** Nothing in this act shall be construed  
2 to vacate any appointment now effective and to the end of the  
3 present term.

Approved April 12, A. D. 1923.

## CHAPTER 16

## MINES AND MINERALS

H. F. 366

AN ACT to require mine inspectors to post notice of conditions found in any mine where inspected in the performance of their duty, and to provide a penalty for the destruction thereof.

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

1     **SECTION 1. Posting of inspector's reports.** The mine inspectors  
2 immediately after their inspection shall post or cause to be posted  
3 a summary report of the conditions found in any mine, together with  
4 any requests or orders made for changes or repairs. Such report  
5 shall be posted at some convenient and conspicuous place to which

6 employees of such mine and their representatives shall have free  
7 access thereto.

1 **SEC. 2. Duty of mine owner.** The owner, operator, lessee, or per-  
2 son in charge of every mine in this State, subject to inspection, shall  
3 provide a suitable place for the posting of such report, which shall  
4 be so constructed as to protect such report, when posted, from the  
5 weather and improper removal thereof. The place for posting such  
6 report and means of protection therefor, shall conform to the direc-  
7 tion and approval of the mine inspector in the respective district.

1 **SEC. 3. Unlawful destruction.** Any person without the consent of  
2 the mine inspector who intentionally destroys such report or place  
3 for keeping the same, shall be deemed guilty of a misdemeanor.

Approved April 9, A. D. 1923.

## CHAPTER 17

### PEACE OFFICERS

S. F. 372

AN ACT to provide for paying from the general funds of the state compensation for all injuries or death of any law enforcing officer injured or killed while in line of duty or from causes arising out of or sustained from their official employment, except policemen pensioned under the policemen's pension fund.

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

1 **SECTION 1. Injury in line of duty.** That henceforth any policeman  
2 (except those pensioned under the policemen's pension fund created  
3 by law), any sheriff, marshal, constable and any and all of their  
4 deputies, and any and all other such legally appointed or elected law  
5 enforcing officers, who shall, while in line of duty or from causes  
6 arising out of or sustained while in the course of their official employ-  
7 ment, meaning while in the act or making or attempting to make an  
8 arrest or giving pursuit, or while performing such official duties where  
9 there is peril or hazard peculiar to the work of their office, be killed  
10 outright, or become temporarily or permanently physically disabled  
11 or if said disability result in death, shall be entitled to compensation,  
12 the same to be paid out of the general funds of the state for all said  
13 injuries or disability.

14 Where death occurs, said compensation shall be paid to the de-  
15 pendents of the officer, as defined in workmen's compensation law.  
16 Said compensation shall be fixed by and based on the maximum allowed  
17 and designated in the schedule of compensation for injuries and death  
18 allowable under the workmen's compensation act.

19 The handling and adjudication of all of said cases on behalf of the  
20 state shall be performed by the industrial commissioner, or thru his  
21 office, as he may direct.

Approved April 16, A. D. 1923.

## CHAPTER 18

## ELEVATORS

H. F. 803

AN ACT regulating the construction, installation, equipment, maintenance and operation of elevators; providing for the adoption of a code of standards, rules and regulations; providing for the inspection of elevators and making provision for its enforcement and providing penalties for violation.

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

1     **SECTION 1. Safe construction, etc.** Every elevator and elevator  
2 opening and machinery connected therewith in every elevator, hoist-  
3 way, hatchway, and wellhole shall be so constructed, guarded,  
4 equipped, maintained and operated as to render it safe for the pur-  
5 poses for which it is used.

6     Nothing herein contained shall be construed to apply to any ele-  
7 vator hoisting device and anything connected therewith coming under  
8 the jurisdiction of the state mine inspector.

1     **SEC. 2. Standards of equipment—inspection.** No elevator used  
2 for the carrying of passengers or freight shall be operated or used  
3 unless the same is constructed, installed, equipped, maintained and  
4 operated in compliance with the standards of equipment, rules and  
5 regulations adopted as provided in this act. All elevators coming  
6 within the provisions of this act shall be subject to inspection at any  
7 time by the commissioner of the bureau of labor statistics and the  
8 commissioner is hereby empowered and authorized to enforce all  
9 standards of equipment, rules and regulations that may be adopted  
10 as in this act provided, and to enforce all of the provisions of this act  
11 and may, for the purpose of compelling compliance with the rules,  
12 prohibit the use and operation of any elevator, which does not comply  
13 with the standards of equipment, rules and regulations adopted, until  
14 such time as the elevator may be constructed, installed, repaired or  
15 placed in such condition as to conform to the code of standards, rules  
16 and regulations.

1     **SEC. 3. Conference board.** Immediately upon the taking effect of  
2 this act the governor shall appoint a conference board for the purpose  
3 of adopting a code of standards, rules and regulations for the con-  
4 struction, installation, equipment, maintenance and operation of ele-  
5 vators. Such board to consist of a representative from each of the  
6 engineering departments of the state college of agriculture and  
7 mechanic arts and the state university, a representative of an elevator  
8 construction company, and a representative of a casualty insurance  
9 company, and a representative of the bureau of labor statistics, all  
10 of whom shall serve without compensation.

1     **SEC. 4. Adoption of code of standards.** Such board shall adopt  
2 a code of standards, rules and regulations for the construction, in-  
3 stallation, equipment, maintenance and operation of elevators and  
4 when adopted shall have the force and effect of law, and the commis-  
5 sioner of the bureau of labor statistics is hereby authorized to publish

6 such code in pamphlet form for distribution to all interested persons  
7 making application therefor.

1 **SEC. 5. Ordinances.** Cities and towns including special charter  
2 cities and cities with a commission form of government are hereby  
3 empowered to enact ordinances providing for the inspections and  
4 regulation of the operation of such elevators and of the operators  
5 thereof; provided, however, that the provision of said ordinance shall  
6 not be in conflict with the provisions of this act or with the rules and  
7 regulations herein provided for.

1 **SEC. 6. Penalty.** Every person, firm or corporation operating an  
2 elevator in violation of any of the provisions of this act or in violation  
3 of the code of standards, rules and regulations adopted by the board,  
4 or who resists or interferes with any official or agent of the bureau  
5 of labor statistics in the enforcement of the provisions of this act  
6 shall be deemed guilty of a misdemeanor and upon conviction shall be  
7 punished by a fine of not less than twenty-five (\$25.00) dollars nor  
8 more than one hundred (\$100.00) dollars or by imprisonment in the  
9 county jail not to exceed thirty (30) days or by such fine and im-  
10 prisonment.

1 **SEC. 7. Publication.** This act, being deemed of immediate im-  
2 portance, shall be in full force and effect from and after its publication  
3 in the Des Moines Register and Des Moines Capital, newspapers pub-  
4 lished in Des Moines, Iowa.

Approved April 11, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 12, 1923, and the Des Moines Register April 13, 1923.

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

## CHAPTER 19

### PETROLEUM PRODUCTS

H. F. 789

AN ACT to amend section two thousand five hundred seven (2507), supplemental supple-  
ment to the code, 1915, as amended by chapter three hundred twenty-nine (329),  
acts of the thirty-eighth general assembly, as amended by chapter two hundred nine  
(209), acts of the thirty-ninth general assembly (S. C. C. 903), relating to appropria-  
tion for expenses of the oil inspection department.

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

1 **SECTION 1. Appropriation.** That section two thousand five hun-  
2 dred seven (2507), supplemental supplement to the code, 1915, as  
3 amended by chapter three hundred twenty-nine (329), acts of the  
4 thirty-eighth general assembly, as amended by chapter two hundred  
5 nine (209), acts of the thirty-ninth general assembly (S. C. C. 903),  
6 be and the same is hereby amended by striking out of line three (3)  
7 and four (4) thereof the words "twenty thousand" and substituting  
8 in lieu thereof the words "seventeen thousand five hundred".

Approved April 12, A. D. 1923.

## CHAPTER 20

## INTOXICATING LIQUORS

S. F. 512

AN ACT to amend section two thousand three hundred eighty-two (2382) of the supplemental supplement to the code of Iowa, 1915, as amended by chapter two hundred forty-eight (248) section one (1), acts of the thirty-seventh general assembly, (C. C. 914) prohibiting the manufacture, possession or use of instruments or materials used in the manufacture of intoxicating liquors.

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

1 SECTION 1. Unlawful instruments and material. That section two  
2 thousand three hundred eighty-two (2382) of the supplemental sup-  
3 plement to the code of Iowa, 1915, as amended by chapter two hun-  
4 dred forty-eight (248), section one (1), acts of the thirty-seventh  
5 general assembly, (C. C. 914) be amended by inserting after the  
6 semicolon (;) following the word "done", in the fourteenth line there-  
7 of, the following: Or manufacture, own, sell or have possession of  
8 any instrument intended for use and capable of being used in the  
9 manufacture of intoxicating liquor; or own or have possession of any  
10 material used exclusively in the manufacture of intoxicating liquor;  
11 or use or have possession of any material with intent to use it in the  
12 manufacture of intoxicating liquors.

Approved March 23, A. D. 1923.

## CHAPTER 21

## INTOXICATING LIQUORS

S. F. 290

AN ACT to repeal section two thousand four hundred sixty-one-m (2461-m) of the supplemental supplement to the code, 1915, (C. C. Sec. 1024), and to enact a substitute therefor; also to amend section two thousand three hundred eighty-three (2383) of the supplement to the code, 1913 (C. C. 915), defining persistent violators of the intoxicating liquor laws and fixing penalties for such violations.

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

1 SECTION 1. Persistent violator. That section two thousand four  
2 hundred sixty-one-m (2461-m) of the supplemental supplement to the  
3 code, 1915, (C. C. Sec. 1024), be and the same is hereby repealed and  
4 the following enacted in lieu thereof:  
5 "Any person who, having once been duly convicted or having entered  
6 a plea of guilty in a criminal action in any district court of this state  
7 for violation of any of the provisions of chapter six (6), title XII  
8 (12) of the code and the laws amendatory thereof, and who shall  
9 hereafter be convicted or enter a plea of guilty for a subsequent  
10 offense against any of the provisions of said chapter six (6), title

11 XII (12) of the code and the laws amendatory thereof, shall be con-  
 12 sidered a persistent violator of such laws, and for the second violation  
 13 of said laws shall be fined not less than five hundred dollars nor more  
 14 than one thousand dollars, or imprisoned in the county jail for not  
 15 less than six months nor more than one year, or by both such fine  
 16 and imprisonment; and for the third and each subsequent violation  
 17 of said laws shall be imprisoned in the state penitentiary or state  
 18 reformatory for not more than three years."

1 SEC. 2. Pending litigation. The provisions of section one (1) here-  
 2 of shall not in any manner affect pending litigation.

1 SEC. 3. Coordinating amendment. That section two thousand  
 2 three hundred eighty-three (2383) of the supplement to the code,  
 3 1913 (C. C. 915) be amended by striking out all after the word "paid"  
 4 in the seventh (7th) line thereof, and inserting in lieu thereof a  
 5 period.

1 SEC. 4. Publication clause. This act being deemed of immediate  
 2 importance shall be in full force and effect from and after its publica-  
 3 tion in the Des Moines Register and the Des Moines Capital, news-  
 4 papers published at Des Moines, Iowa.

Approved March 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 March 26, 1923, and the Des Moines Register March 27, 1923.

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

## CHAPTER 22

### INTOXICATING LIQUORS

S. F. 431

AN ACT to repeal sections two thousand four hundred three (2403) (C. C. 963) and  
 two thousand four hundred three-a (2403-a) (C. C. 964) of the supplement to the  
 code of Iowa, 1913, relating to the sale of intoxicating liquors.

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

1 SECTION 1. Repeal. That sections two thousand four hundred  
 2 three (2403) (C. C. 963) and two thousand four hundred three-a  
 3 (2403-a) (C. C. 964) of the supplement to the code of Iowa, 1913, be  
 4 and the same are hereby repealed.

Approved April 10, A. D. 1923.

## CHAPTER 23

## INTOXICATING LIQUORS

H. F. 537

AN ACT to repeal the law as it appears in the following sections, to wit: section two thousand four hundred thirteen (2413) of the supplemental supplement to the code, 1915, as amended by chapter three hundred twenty-two (322) of the acts of the 37th general assembly, (C. C. 974); section two thousand four hundred fourteen (2414) of the code (C. C. 975); section twenty-four hundred fifteen (2415) of the supplemental supplement, 1915, as amended by chapter three hundred twenty-two (322), acts of the 37th general assembly (C. C. 976); and section two thousand four hundred sixteen (2416) of the code, as amended by chapter two hundred sixty-six (266), acts of the 38th general assembly (C. C. 977), and to enact substitutes therefor, relating to the information as to search warrants, providing for the seizure of intoxicating liquors and the seizure of instruments and material used in the manufacturing of intoxicating liquors and providing for the forfeiture and confiscation of intoxicating liquor and instruments and material used in the manufacturing of such liquors and for the disposition of the articles forfeited and their return when not forfeited.

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

1     **SECTION 1. Repeal.** That the law as it appears in section two  
2 thousand four hundred thirteen (2413) of the supplemental supple-  
3 ment to the code, 1915, as amended by chapter three hundred twenty-  
4 two (322) of the acts of the 37th general assembly (C. C. Sec. 974),  
5 be and the same is hereby repealed and the following enacted in lieu  
6 thereof:

1     **SEC. 2. Information for search warrant—issuance of warrant.** If  
2 any credible resident of this state shall, before a magistrate, make  
3 written information, supported by his oath, or affirmation, that he has  
4 reason to believe, that any intoxicating liquor or instruments used,  
5 or intended to be used, in the manufacture of intoxicating liquors, or  
6 material used exclusively in the manufacture of intoxicating liquors  
7 or material which may be used for legitimate purposes but which may  
8 be used in the manufacture of intoxicating liquor and is possessed in  
9 such quantities as to indicate that it is intended for such use, de-  
10 scribed as particularly as may be in said information, is in said county,  
11 in any place described as particularly as may be in said information,  
12 owned or kept by any persons named or described in said information  
13 as particularly as may be, and is intended by him to be used, sold  
14 or had been purchased or procured as the result of solicitation, or  
15 has been manufactured or transported in violation of the provisions  
16 of this chapter, said magistrate shall, upon finding probable cause for  
17 such information, issue his warrant of search, directed to any peace  
18 officer in the county, describing as particularly as may be the liquor,  
19 instruments or material and the place described in said information,  
20 and the person named or described in said information, and the per-  
21 sons named or described in said information as the owner or keeper  
22 of said liquor, instruments or material and commanding the said  
23 officer to search thoroughly said place, and to seize the said instru-  
24 ments or material or the liquor with the vessels containing it, and  
25 to keep the same securely until final action be had thereon.



1     **SEC. 3. Execution of warrant.** The peace officer to whom such  
2 warrant shall be delivered shall forthwith obey and execute, as effec-  
3 tually, as possible, the commands of said warrant, and make return  
4 of his doings, to said magistrate and shall securely keep all liquors,  
5 instruments and material so seized by him and the vessels containing  
6 them until final action be had thereon.

1     **SEC. 4. Search warrant for dwelling house.** If the place to be  
2 searched be a dwelling house in which any family resides, and in  
3 which no tavern, eating house, grocery or other place of public resort  
4 is kept, such warrant shall not be issued unless said complainant shall,  
5 on oath or affirmation, declare before said magistrate that he has  
6 reason to believe and does believe that within one month next before  
7 the making of said information intoxicating liquor has been, in viola-  
8 tion of this chapter, sold or manufactured in said house, or that  
9 instruments or materials have been kept in said house with intent to  
10 use the same in violation of the provisions of this chapter or in some  
11 dependency thereof, by the person accused in said information, or by  
12 his consent or permission; nor unless, from the facts and circum-  
13 stances disclosed by such complaint, the said magistrate shall be of  
14 the opinion that said complainant has adequate reason for such belief.  
15 In all such prosecutions, the action shall be in the name of the State.

1     **SEC. 5. Repeal.** That the law as it appears in section two thousand  
2 four hundred fourteen (2414), of the code, (C. C. Sec. 975), be and  
3 the same is hereby repealed and the following enacted in lieu thereof:

1     **SEC. 6. Description of place and things.** The information and  
2 search warrant in such case shall describe with reasonable particu-  
3 larity the place to be searched, as well as the liquors or instruments  
4 or material intended to be used or used in manufacturing intoxicating  
5 liquor, to be seized.

6     When any liquors, instruments or material shall have been seized  
7 by virtue of any such warrant, the same shall not be discharged or  
8 returned to any person claiming the same by reason of any alleged  
9 insufficiency of description in the warrant of the liquor, instruments  
10 or material or place, but the claimant shall only have a right to be  
11 heard on the merits of the case.

1     **SEC. 7. Repeal.** That section twenty-four hundred fifteen (2415)  
2 of the supplemental supplement to the code, 1915, as amended by  
3 chapter three hundred twenty-two (322) of the acts of the 37th gen-  
4 eral assembly (C. C. Sec. 976), be and the same is hereby repealed  
5 and the following enacted in lieu thereof:

1     **SEC. 8. Return—notice of forfeiture.** In the event of a seizure  
2 under said warrant, the officer shall forthwith make a return of his  
3 acts thereunder, and within forty-eight hours thereafter the magis-  
4 trate who issued the warrant shall cause to be left at the place where  
5 said liquor, instruments or material for manufacturing intoxicating  
6 liquor was seized, if said place be a dwelling house, store or shop,  
7 posted in some conspicuous place on or about said buildings, and also  
8 to be left with or at the last known and usual place of residence of  
9 the person named or described in said information as the owner or  
10 keeper of said liquor, instruments or material, if he be a resident of  
11 this state, a notice, summoning such person, and all others whom it

12 may concern, to appear before said magistrate within the county at  
13 a place and time named in said notice, which time shall not be less  
14 than five nor more than fifteen days after the posting and leaving  
15 of said notices, and show cause, if any they have, why said instru-  
16 ments, material or liquor, together with the vessels in which the same  
17 is contained, should not be forfeited; and said notice shall, with  
18 reasonable certainty, describe said instruments, material, liquor or  
19 vessels, and shall state where, when and why the same were seized.

1     **SEC. 9. Appearance—hearing.** At the time and place prescribed  
2 in said notice, the person named in said information, or any other  
3 person claiming an interest in said liquor, instruments, material or  
4 vessels, or any part thereof, may appear and show cause why the  
5 same should not be forfeited, providing such claimant has filed a  
6 claim for the liquors, instruments, or material or any part thereof,  
7 setting out, under oath, that the articles claimed were not intended  
8 for unlawful sale or use, and shall have entered into a bond with proper  
9 security as determined by the magistrate to pay all costs incurred in  
10 the proceeding from the beginning of the action of such seizure in  
11 case the liquor, instruments or material, or any part of it so claimed  
12 is finally declared forfeited, within three days prior to the time set  
13 for the forfeiture hearing. If any person or persons shall so appear,  
14 said magistrate shall, at the prescribed time, proceed to the trial of  
15 said case, and said complainants or either of them may appear and  
16 show cause why such liquor, instruments or material should not be  
17 adjudged forfeited.

1     **SEC. 10. Procedure—jury trial—judgment.** The proceeding in the  
2 trial of such case may be the same, substantially, as in cases of mis-  
3 demeanor triable before justices of the peace, and if any person shall  
4 appear and be made a party defendant as herein provided, and shall  
5 make written plea that said liquor, instruments or material, or a part  
6 thereof claimed by him, was not owned or kept with intent to be sold  
7 or used in violation of this chapter, and was not purchased or pro-  
8 cured as the result of solicitation, nor illegally transported, such party  
9 defendant may, at his option, demand a jury to try the issue, and if,  
10 upon the evidence presented, the said magistrate or jury, as the case  
11 may be, shall, by verdict, find that said liquor, instruments or material  
12 was, when seized, owned or kept by any person, whether said party  
13 defendant or not for the purpose of being used or sold in violation  
14 of this chapter or was purchased or procured as the result of sollicita-  
15 tion or has been unlawfully transported, the said magistrate shall  
16 render judgment that said liquor, instruments or material or said  
17 part thereof, with the vessels in which it is contained is forfeited.

1     **SEC. 11. Costs.** If no person be made defendant in the manner  
2 aforesaid, or if judgment be in favor of all the defendants who appear  
3 and are made such, then the costs of the proceeding shall be paid as  
4 in ordinary criminal prosecution where the prosecution fails. If the  
5 judgment shall be against only one party defendant appearing as  
6 aforesaid, he shall be adjudged to pay all the costs of proceedings in  
7 the seizure and detention of the liquor, instruments or material  
8 claimed by him, and trial, up to the time of judgment. But if such  
9 judgment shall be against more than one party defendant claiming  
10 distinct interests in said liquor, instruments or material, then the

11 costs of said proceedings and trial shall be, according to the discretion  
12 of said magistrate, equitably apportioned among said defendants, and  
13 execution shall be issued on said judgments against said defendants  
14 for the amount of costs so adjudged against them.

1 **SEC. 12. Appeal.** Any person appearing as aforesaid may appeal  
2 from said judgment or forfeiture, as to the whole or any part of said  
3 liquor, instruments, material or vessels claimed by him and so ad-  
4 judged forfeited, to the district court. In any such proceedings where  
5 the judgment is against the state, it shall have the same right of  
6 appeal, except that no bond shall be required, and if an appeal be  
7 taken by the state, the same shall operate as a stay of proceedings  
8 and the liquor, instruments or material seized under the warrant  
9 shall not be returned to any claimant thereof until, upon the final  
10 determination of said appeal, he is found entitled thereto.

1 **SEC. 13. Forfeiture by default.** If no person appears and claims  
2 such liquors, instruments or material within three days prior to the  
3 day set for the forfeiture hearing the magistrate shall enter an order  
4 of forfeiture on default on the date set for the hearing.

1 **SEC. 14. Repeal.** That section two thousand four hundred sixteen  
2 (2416) of the code, as amended by chapter two hundred sixty-six  
3 (266), acts of the 38th general assembly, (C. C. Sec. 977), be and the  
4 same is hereby repealed and the following enacted in lieu thereof:

1 **SEC. 15. Transcript to district court—delivery of liquors.** When  
2 it shall be finally decided by any other than the district court that  
3 intoxicating liquors or instruments or materials seized as aforesaid is  
4 forfeited, the court rendering final judgment of forfeiture shall forth-  
5 with file in the office of the clerk of the district court in the county  
6 a certified transcript of such judgment and the officer having said  
7 liquor, instruments or material in custody shall forthwith deliver the  
8 same to the sheriff, taking itemized receipts therefor and shall file  
9 one of said receipts with the clerk of the district court and the other  
10 with the court rendering said judgment. The clerk of the district  
11 court shall file the transcript as soon as received and enter a mem-  
12 orandum thereof and the date of filing in the judgment docket and  
13 from such entry it shall be treated in all respects and in its enforce-  
14 ment as a judgment in the district court.

1 **SEC. 16. Restoration of liquors and things.** When it shall be  
2 finally decided that any liquor, instruments or material so seized are  
3 not liable to forfeiture, the court by whom such final decision shall  
4 be rendered shall issue a written order to the officer having the same  
5 in custody or to some other peace officer, to restore said liquor, instru-  
6 ments or material with the vessels containing the same to the place  
7 where it was seized as nearly as may be or to the person entitled to  
8 receive it, which order the officer shall obey, and make return thereon  
9 to the court of his acts thereunder and the costs of the proceeding in  
10 such case attending the restoration, shall be taxed and paid by the  
11 state.

1 **SEC. 17. Destruction of liquors—disposal to hospitals—board of**  
2 **control.** When a transcript has been filed or a judgment has been  
3 entered in the district court, decreeing a forfeiture of any intoxicating  
4 liquors, instruments or material, the court, or a judge thereof in vaca-

4 tion, may direct the disposition of such liquor, instruments or ma-  
5 terial and the vessels containing the same by ordering the destruction  
6 thereof, or by ordering any portion thereof consisting of alcohol,  
7 brandies, wine or whiskey delivered for medicinal or scientific pur-  
8 poses to any state or reputable hospital in the county or adjoining  
9 counties, and shall order any balance remaining, and the vessels con-  
10 taining the same, turned over to the state board of control to be dis-  
11 pensed to any state institution or reputable hospital in the state of  
12 Iowa to be used for medicinal or scientific purposes.

13 The state board of control shall issue to the court under whose  
14 order the said liquor was delivered to it, a receipt stating the kind  
15 and quantity of liquor delivered to it and shall keep a strict account  
16 of all liquors received and dispensed and shall make a full and com-  
17 plete report of all such transactions each year to the governor of the  
18 state.

1 **SEC. 18. Destruction or sale of utensils.** The court, or judge, as  
2 the case may be in case of forfeiture shall also direct the disposition  
3 of all instruments used in the manufacture of intoxicating liquors,  
4 by directing the sheriff to convert such instruments into junk in such  
5 a manner that it cannot again be used for manufacturing liquor, and  
6 shall direct the sheriff to destroy all material which has no value for  
7 any other purpose than making intoxicating liquor, and all material  
8 which may have legitimate uses and the junk referred to shall be  
9 sold by the sheriff as chattels under execution and all moneys realized  
10 therefrom shall be turned into the treasury for the benefit of the  
11 school fund of the county.

1 **SEC. 19. Duty of clerk—execution of orders.** The clerk of the  
2 district court shall call to the attention of the court on the first day  
3 of each term all judgments for the forfeiture of intoxicating liquor,  
4 instruments or material, and for the disposition of which no order  
5 has been theretofore made and the court shall thereupon enter an  
6 order for the disposition of such liquors, instruments or material.  
7 Upon the entry of any order for the disposition of any intoxicating  
8 liquors, instruments or material, which have been adjudged forfeited,  
9 the clerk shall forthwith transmit a certified copy thereof to the  
10 sheriff for execution and the sheriff shall immediately take posses-  
11 sion of such liquors, instruments or material and the vessels con-  
12 taining the same, and make disposition thereof in accordance with  
13 such order, and make return of his doing to the court.

1 **SEC. 20. Transportation by common carrier—receipts and return.**  
2 When any such liquor is ordered delivered or shipped, the sheriff  
3 shall securely attach to the box or package containing the same, a  
4 certified copy of the order of the court and thereupon any railway  
5 company, express company, or other common carrier may receive,  
6 transport and deliver such liquor to the consignee.

7 The cost of packing and transportation shall be paid by the con-  
8 signee receiving such liquor.

9 The sheriff shall take receipts for any liquor disposed of under the  
10 provisions of this section, showing in detail the kind and quantity of  
11 liquor delivered, the character of the vessels containing same, the  
12 date and manner of delivery and, if delivery is made by common car-  
13 rier, the name of such carrier. Such receipt shall be attached by the

13 sheriff to and filed with the return of his doings as herein provided for.

1     **SEC. 21. Interpreting clause.** Any statute of this state providing  
 2 for the destruction of intoxicating liquors shall be construed so that  
 3 the disposition of such liquors under the provisions of this chapter  
 4 shall constitute a destruction thereof within the meaning of such  
 5 statute.

Approved April 6, A. D. 1923.

## CHAPTER 24

### INTOXICATING LIQUORS

S. F. 265

AN ACT to provide for the seizure and disposition of any vehicle containing intoxicating liquors which are being transported in violation of law.

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

1     **SECTION 1. Condemnation of conveyance—procedure.** When any  
 2 peace officer or other officer of the law shall discover any person in  
 3 the act of transporting in violation of the law, intoxicating liquors  
 4 in any wagon, buggy, by team, automobile, water or air craft, or  
 5 other vehicle, or other conveyance, it shall be his duty to seize any  
 6 and all intoxicating liquors found therein being transported contrary  
 7 to law. Whenever intoxicating liquors transported or possessed  
 8 illegally shall be seized by any officer, he shall take possession of the  
 9 wagon, buggy, team, automobile, water and air craft, vehicle or any  
 10 other conveyance, and shall arrest any person in charge thereof. Such  
 11 officer shall at once proceed against the person arrested as provided  
 12 by law; but the said vehicle or conveyance shall be turned over to the  
 13 sheriff of the county where taken, and retained in the custody of  
 14 said sheriff until disposed of as hereinafter provided, except it shall  
 15 be returned to the owner upon execution by him of a good and valid  
 16 bond with sufficient sureties in a sum double the value of the property,  
 17 which said bond shall be approved by the sheriff of the county and  
 18 shall be conditioned to return said property to the custody of said  
 19 sheriff on the day of trial and to abide the judgment of the court.  
 20 The court upon conviction of a person so arrested shall order the  
 21 liquor disposed of as provided by law, and unless good cause to the  
 22 contrary is shown by the owner, shall order the sheriff to sell at  
 23 public auction the property seized; and such officer shall, after de-  
 24 ducting the expenses of keeping the property, all costs which have  
 25 accrued and the cost of the sale, pay all liens, according to their  
 26 priority, which are established, by intervention or otherwise, at said  
 27 hearing or in other proceedings brought for said purposes, as being  
 28 bona fide and as having been created without the lienor having any  
 29 notice that the carrying vehicle was being used or was to be used for  
 30 illegal transportation of liquor, and shall pay the balance of the pro-  
 31 ceeds into the treasury of the county for the use and benefit of the  
 32 school fund. All liens against property sold under the provisions  
 33 of this section shall be transferred from the property to the proceeds

34 of the sale of the property. If, however, no one shall be found  
 35 claiming the team, vehicle, automobile, boat or air craft, the taking  
 36 of the same with a description thereof shall be advertised in some  
 37 newspaper published in the city or county where taken, or if there  
 38 be no newspaper published in such city or county, in a newspaper  
 39 having circulation in the county, once a week for two weeks and by  
 40 handbills posted in three public places near the place of seizure, and  
 41 by mailing the same to the secretary of state who shall, if the owner  
 42 appears of record in his office, notify such owner of the fact of  
 43 seizure, and if not of record, said secretary shall mail such descrip-  
 44 tion to the county treasurer of each county, and to the state bureau  
 45 of investigation, and if no claimant shall appear within sixty days  
 46 after the last publication of the advertisement, the property shall  
 47 be sold and the proceeds, after deducting the expenses and costs, shall  
 48 be paid into the county treasury and shall be credited to the school  
 49 fund.

1 **SEC. 2. Pending litigation.** The provisions of this act shall in no  
 2 manner affect pending litigation.

1 **SEC. 3. Publication clause.** This act being deemed of immediate  
 2 importance shall be in full force and effect from and after its pub-  
 3 lication in the Des Moines Daily Record and the Des Moines News,  
 4 newspapers published at Des Moines, Iowa.

Approved March 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Daily News  
 March 17, 1923, and the Des Moines Daily Record March 19, 1923.

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

## CHAPTER 25

### INTOXICATING LIQUORS

S. F. 606

AN ACT to amend section two thousand four hundred sixty-one-a (2461-a) of the  
 supplemental supplement to the code of Iowa, 1915, (C. C. 1019), relating to the  
 sale of intoxicating liquors.

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

1 **SECTION 1. Sales to minor or intoxicated person.** That section  
 2 two thousand four hundred sixty-one-a (2461-a) of the supplemental  
 3 supplement to the code of Iowa, 1915, (C. C. 1019) be and the same  
 4 is hereby amended by inserting after the comma (,) following the  
 5 word "law" in the eighth line thereof the following: "or who shall  
 6 in any manner procure for, or sell or give any intoxicating liquors  
 7 to any minor for any unlawful purpose, or give to or in any manner  
 8 procure for or sell the same to any intoxicated person, or to one in  
 9 the habit of becoming intoxicated".

1     **SEC. 2. Penalty.** That said section be further amended by adding  
 2 thereto after the word "misdemeanor" it being the last word in said  
 3 section, the following: "and shall be fined not less than three hundred  
 4 dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) or  
 5 be imprisoned in the county jail not less than three (3) months nor  
 6 more than one (1) year, or by both such fine and imprisonment."

Approved March 29, A. D. 1923.

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## CHAPTER 26

### STATE FIRE MARSHAL

H. F. 697

AN ACT to amend section twenty-four hundred sixty-eight-o (2468-o), supplement to the code, 1913 (C. C. 1052), relating to the allowance paid by the state fire marshal for reporting fires.

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

1     **SECTION 1. Fees for reporting fires.** That the law as it appears  
 2 in section twenty-four hundred sixty-eight-o (2468-o), supplement to  
 3 the code, 1913, (C. C. 1052), be and the same is hereby amended by  
 4 inserting following the word "to" in line seven (7) of said section the  
 5 words "and from".

Approved April 20, A. D. 1923.

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## CHAPTER 27

### STATE FIRE MARSHAL

H. F. 800

AN ACT to amend section twenty-nine (29), chapter two hundred nine (209), acts of the thirty-ninth general assembly (S. C. C. 1053), relating to expenses of state fire marshal.

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

1     **SECTION 1. Expenses.** That section twenty-nine (29), chapter two  
 2 hundred nine (209), acts of the thirty-ninth general assembly, is  
 3 hereby amended by striking out the word "six" in line four (4) and  
 4 inserting in lieu thereof the word "seven".

Approved April 20, A. D. 1923.

## CHAPTER 28

## FISH AND GAME

H. F. 645

AN ACT repealing the law as it appears in section two thousand five hundred forty-six (2546), supplement to the code, 1913, (C. C. 1114) relating to the powers of the state fish and game warden, providing that the warden may enter into contracts with persons, firms or corporations for the removal and sale of certain fish from the waters of this state and providing for the disposition of all funds derived therefrom.

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

1     **SECTION 1. Removal of fish—contract—bond—report—funds.** That  
2 the law as it appears in section two thousand five hundred forty-  
3 six (2546), supplement to the code, 1913, (C. C. 1114) be repealed and  
4 the following enacted in lieu thereof:

5     The warden may, at his option, enter into written contracts with  
6 persons, firms or corporations for the taking by seine or net from  
7 the public waters of this state, buffalo, carp, quillback, redhorse,  
8 suckers, dogfish, and gar, but no other fish. Such contracts shall  
9 not be for more than one year, shall provide that no fish shall  
10 be taken between March first and June fifteenth following, shall  
11 designate the waters covered, shall provide the compensation to be  
12 paid the state, shall provide for forfeiture without notice by the  
13 warden in the event of a breach thereof, shall provide that no fish  
14 shall be taken except in the presence of and under the direct super-  
15 vision of the warden or one of his regular deputies, shall provide that  
16 all expenses, including the fees, salaries and expenses of the warden  
17 and his deputies, shall be paid by the holders of the contracts and  
18 shall contain such other and further provision for the protection of  
19 the state as to the warden may seem right and proper. The holder  
20 of such contract shall, prior to the taking of any fish thereunder,  
21 deposit a bond with sufficient security to be approved by the warden,  
22 in an amount to be fixed by the warden, in no event less than five  
23 hundred (\$500.00) dollars, which bond shall, when approved, be  
24 filed with the warden. Such bonds shall be conditioned upon the  
25 faithful performance of the contract, the payment of all damages  
26 resulting from a breach thereof, the faithful accounting of all moneys  
27 belonging to the state or flowing to the state under the contract, the  
28 payment of all expenses including fees, expenses and salaries of the  
29 warden, and his deputies as provided in the contract and such other  
30 conditions as to the warden may seem right and proper. On or before  
31 the first day of April of each year, the warden shall file with the  
32 executive council a report showing in detail all contracts, receipts and  
33 expenditures. All funds derived under the provisions hereof shall be  
34 paid into and become a part of the game protection fund.

1     **SEC. 2. Publication clause.** This act, being deemed of immediate  
2 importance, shall be in full force and effect from and after its pub-  
3 lication in the Des Moines Register and Des Moines News, newspapers  
4 published in Des Moines, Iowa.

Approved April 11, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News April 12, 1923, and the Des Moines Register April 13, 1923.

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



## CHAPTER 29

## FISH AND GAME

S. F. 506

AN ACT to amend section two thousand five hundred fifty-one (2551) supplemental supplement to the code, 1915, (S. C. C. 1124), as amended by chapter two hundred thirty-three (233), acts of the thirty-seventh general assembly and chapter thirty-three (33), acts of the thirty-ninth general assembly, relating to the protection of ruffed grouse or pheasant.

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

1     **SECTION 1. Ruffed grouse or pheasant.** That section two thousand  
2 five hundred fifty-one (2551), supplemental supplement to the code,  
3 1915, (S. C. C. 1124), as amended by chapter two hundred thirty-three  
4 (233), acts of the thirty-seventh general assembly and chapter thirty-  
5 three (33), acts of the thirty-ninth general assembly, be and the same  
6 is hereby amended by striking out the period (.) after the word  
7 "seven" in line five (5) of section one (1) of chapter thirty-three  
8 (33), acts of the thirty-ninth general assembly, and substituting in  
9 lieu thereof a semi-colon (;) and adding thereafter the words "or  
10 any ruffed grouse or pheasant prior to November first, nineteen  
11 hundred thirty-two."

Approved April 16, A. D. 1923.

## CHAPTER 30

## FISH AND GAME

S. F. 414

AN ACT to amend section two thousand five hundred fifty-one (2551) supplemental supplement to the code, 1915, (S. C. C. 1124), relating to the use of artificial ambushes.

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

1     **SECTION 1. Ambushes.** That section two thousand five hundred  
2 fifty-one (2551), supplemental supplement to the code, 1915, (S. C. C.  
3 1124), be and the same is hereby amended by striking out from be-  
4 tween the words "section" and "with" in line sixteen (16) thereof  
5 the words "from any artificial ambush of any kind or", and by strik-  
6 ing out from line nineteen (19) thereof the words "or other device  
7 used for concealment in the open water," following the comma after  
8 the word "paddle", and by striking out from between the words "any"  
9 and "sink" in line twenty-eight (28) thereof the word "ambush".

Approved March 29, A. D. 1923.

## CHAPTER 31

## FISH AND GAME

S. F. 408

AN ACT to amend chapter three hundred ninety-six (396), acts of the thirty-seventh general assembly, as amended by chapter eighty-seven (87), acts of the thirty-ninth general assembly (S. C. C. 1128), relating to the trapping of fur bearing animals and providing for the protection of skunks.

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

1 SECTION 1. Skunks protected. That chapter three hundred ninety-  
 2 six (396), acts of the thirty-seventh general assembly, as amended  
 3 by chapter eighty-seven (87), acts of the thirty-ninth general assem-  
 4 bly (S. C. C. 1128), be and the same is hereby amended by adding after  
 5 the word "raccoons" and before the word "between" as they appear  
 6 in line four (4) of section one (1) of chapter eighty-seven (87), acts  
 7 of the thirty-ninth general assembly, the following: "or skunks";  
 8 and by adding after the word "house" and before the semi-colon (;)  
 9 as they appear in line nine (9) of section one (1) of chapter three  
 10 hundred ninety-six (396), acts of the thirty-seventh general assembly,  
 11 the following: "or skunk den"; also by striking out the word "Octo-  
 12 ber" at the end of chapter 87, of the acts of the 39th general assembly  
 13 and inserting in lieu thereof the word "November".

Approved April 21, A. D. 1923.

## CHAPTER 32

## FISH AND GAME

S. F. 407

AN ACT to amend section two thousand five hundred sixty-two-b (2562-b) of the supplemental supplement to the code, 1915, (S. C. C. 1137), relating to the ownership and title of wild game, birds, and fish, and providing for the ownership of mussels, clams and frogs.

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

1 SECTION 1. Ownership in state. That section two thousand five  
 2 hundred sixty-two-b (2562-b) of the supplemental supplement to the  
 3 code, 1915, (S. C. C. 1137) be and the same is hereby amended by add-  
 4 ing after the word "fish" in line four (4) and before the word "in" in  
 5 line five (5) in said section, the following: "mussels, clams and frogs".

Approved April 10, A. D. 1923.

## CHAPTER 33

## STATE BOARD OF CONSERVATION

S. F. 702

AN ACT to amend, revise and codify sections eleven hundred seventy-seven (1177), eleven hundred eighty-four (1184) of the compiled code, and sections eleven hundred seventy-seven-a1 (1177-a1), eleven hundred seventy-seven-a2 (1177-a2), and eleven hundred eighty-two-a1 (1182-a1) of the supplement to the compiled code, relating to a state board of conservation, providing for its powers and duties and defining its jurisdiction; providing for supervisory power in the executive council.

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

1 SECTION 1. That sections eleven hundred seventy-seven (1177),  
2 eleven hundred eighty-four (1184) of the compiled code, and sections  
3 eleven hundred seventy-seven-a1 (1177-a1), eleven hundred seventy-  
4 seven-a2 (1177-a2), and eleven hundred eighty-two-a1 (1182-a1) of  
5 the supplement to the compiled code be amended, revised and codified  
6 so that the law as therein contained shall read as follows:

1 SEC. 2. **Appointment—tenure.** The governor shall appoint five  
2 persons who shall constitute a state board of conservation the mem-  
3 bers of which shall serve without pay, except actual and necessary  
4 expenses. The members of such board shall hold office for three years  
5 and until their successors are appointed and qualify, except that of  
6 the first board to be appointed one shall be appointed to hold office for  
7 the period ending the second secular day in January, 1925, two shall be  
8 appointed to hold office until the second secular day in January, 1926,  
9 and two shall be appointed to hold office until the second secular day in  
10 January, 1927.

11 The secretary of the executive council shall, without additional  
12 compensation, act as secretary of the state board of conservation.

1 SEC. 3. **Duties in general.** The board shall investigate places in  
2 Iowa rich in natural history, forest reserves, archaeological specimens,  
3 and geological deposits; and the means of promoting forestry and  
4 maintaining and preserving animal and bird life and the conservation  
5 of the natural resources of the state.

1 SEC. 4. **Duties as to parks.** It shall be the duty of the board, under  
2 the supervision and direction of the executive council, to establish,  
3 maintain, improve and beautify public parks upon the shores of lakes,  
4 streams or other waters, or at other places within the state which  
5 have become historical or which are of scientific interest, or which by  
6 reason of their natural scenic beauty or location are adapted therefor.

1 SEC. 5. **Eminent domain.** The executive council may, upon the  
2 recommendation of the board, purchase or condemn lands for public  
3 parks. No contract for the purchase of such public parks shall be  
4 made to an amount in excess of funds appropriated therefor by the  
5 general assembly.

1 SEC. 6. **Highways.** The executive council may, upon the recom-  
2 mendation of the board, purchase or condemn highways connecting  
3 such parks with the public highways. When such highways have been

4 purchased or condemned the same shall be public highways of this  
5 state and shall be maintained as other public highways of the county.

1 **SEC. 7. Condemnation statutes.** All the provisions of the law relat-  
2 ing to the condemnation of lands for public state purposes shall apply  
3 to the provisions hereof in and so far as applicable.

1 **SEC. 8. Gifts—title—abandonment.** The board of conservation, by  
2 and with the written consent of the executive council, may accept gifts  
3 of land or other property or the use of lands or other property for a  
4 term of years, and improve and use the same as public state parks.

5 And wherever such gifts are so made the conditions going there-  
6 with shall be entered in writing with and as part of the record of the  
7 title by which the state takes the lands, and shall be inscribed upon  
8 any chart, map or description of said park where the condition is  
9 made by the grantor in lieu of money as a consideration paid by the  
10 state.

11 If the lands transferred to the state as a gift, or if lands purchased  
12 in whole or in part by the state from moneys given for that purpose,  
13 shall be abandoned or sold and not used for state park purposes, then  
14 the donor shall reclaim the land or funds donated by filing his request  
15 in writing with the executive council within six months of the time  
16 of the abandonment or sale by the state of such lands, but no interest  
17 or other charge shall be demanded of or paid by the state.

1 **SEC. 9. Meandered waters and state lands.** Jurisdiction over all  
2 meandered streams and lakes of this state and of state lands bordering  
3 thereon, not now used by some other state body for state purposes, is  
4 conferred upon the board. The board, with the approval of the execu-  
5 tive council, may establish parts of such property into state parks, and  
6 when so established all of the provisions of this act relative to public  
7 parks shall apply thereto.

8 The board shall at once proceed to establish the boundary lines be-  
9 tween the state owned property under its jurisdiction and privately  
10 owned property, and shall where deemed advisable mark the same so  
11 that the boundaries of such state owned property may be easily ascer-  
12 tainable to the public.

1 **SEC. 10. Engineer for board—surveys.** The board may call upon  
2 the highway commission for the services of at least one competent  
3 engineer, who shall, under the direction of the board, proceed to work  
4 in conjunction with it in carrying out the true spirit and purpose of  
5 this act. The board may call upon the county engineer of any county  
6 to advise relative to the true boundary between the state owned  
7 property and private property in the county, and to furnish plats and  
8 surveys showing such true boundary lines, and when directed by the  
9 board, shall mark such boundary lines as herein provided. All surveys  
10 and plats shall be filed with the secretary of the board, and shall  
11 become public records of this state.

1 **SEC. 11. Compensation.** The compensation and expenses of the  
2 highway engineer shall be paid as a part of the maintenance of the  
3 highway commission, and by the county engineer by the county as  
4 the case may be.

Note: The first "by" in line 3 is superfluous.

1 **SEC. 12. Boundaries—adjustment—leases.** Whenever a contro-  
2 versy shall arise as to the true boundary line between state owned

3 property and private property, the board may, with the approval of  
4 the executive council, adjust said boundary line or take such other  
5 action in the premises, all with the approval of the executive council,  
6 as in its judgment may seem right. When such disputed boundary  
7 line is fixed it shall be surveyed and marked as herein provided.

8 The board may, with the approval of the executive council, lease for  
9 periods not exceeding one year such parts of the property under its  
10 jurisdiction as to it may seem advisable. All leases shall reserve to  
11 the public of the state the right to enter upon the property leased for  
12 any lawful purpose.

1 **SEC. 13. Funds—expenditures.** All funds collected, from whatever  
2 source, by the board shall be deposited in the state treasury and shall  
3 be available for use by the board subject to the approval of the  
4 executive council for any purpose necessary in the carrying out of  
5 the terms and provisions hereof.

6 All accounts and expenditures shall be subject to the approval of  
7 the executive council and shall be paid out on warrants drawn by the  
8 state auditor as is otherwise provided by law.

1 **SEC. 14. State parks—management by municipalities.** The board  
2 may, subject to the approval of the executive council, enter into an  
3 agreement or arrangement with the board of supervisors of any  
4 county or the council of any city or town whereby such county, city or  
5 town shall undertake the care and maintenance of any state park.  
6 Counties, cities and towns are authorized to maintain such parks and  
7 to pay the expense thereof from the general fund of such county, city  
8 or town as the case may be.

1 **SEC. 15. Sale of islands.** No islands, in any of the meandered  
2 streams and lakes of this state or in any of the waters bordering upon  
3 this state shall hereafter be sold, except with the majority vote of the  
4 executive council upon the majority recommendation of the board,  
5 and in the event any of such islands are sold as herein provided the  
6 proceeds thereof shall become a part of the funds to be expended  
7 under the terms and provisions of this act.

1 **SEC. 16. Sale of park lands.** The executive council may upon the  
2 recommendation of the board of conservation, sell such parts of public  
3 parks as in their judgment may be undesirable for park purposes. In  
4 the event that a sale is determined upon, the executive council shall  
5 have the land appraised by three appraisers to be appointed by the  
6 chief justice of the supreme court and such land shall not be sold for  
7 less than the appraised price. Reappraisements may be ordered when  
8 necessary. Conveyances shall be in the name of the state, signed by  
9 the governor and secretary of state, with the great seal of the state  
10 attached.

Approved April 21, A. D. 1923.

## CHAPTER 34

## STATE PARKS

H. F. 791

AN ACT to amend section three (3), chapter three hundred sixty-eight (368), acts of the thirty-eighth general assembly (C. C. 1186), relating to the annual appropriation for state parks.

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

1 SECTION 1. **Appropriation.** That section three (3), chapter three  
2 hundred sixty-eight (368), acts of the thirty-eighth general assembly  
3 be and the same is hereby amended by striking from the tenth (10th)  
4 line of said section the figures, "\$100,000.00", and substituting in lieu  
5 thereof the figures, "\$75,000.00".

Approved April 18, A. D. 1923.

## CHAPTER 35

## STATE BOARD OF ENGINEERING EXAMINERS

S. F. 615

AN ACT to amend section six (6) of chapter three hundred ninety-two (392) acts of the thirty-eighth general assembly (C. C. 1219) relating to the board of engineering examiners.

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

1 SECTION 1. **Officers.** That the law as it appears in section six (6)  
2 of chapter three hundred ninety-two (392) acts of the thirty-eighth  
3 general assembly (C. C. 1219) be and the same is hereby amended by  
4 striking out all that part of said section down to and including the  
5 period (.) after the word "provided" in line six (6) and substituting  
6 in lieu thereof the following:  
7 "The board shall elect annually from its members a chairman and a  
8 vice-chairman. The secretary of the executive council shall be ex-  
9 officio secretary of the board and he may designate one of his assist-  
10 ants or employees of the office to perform the services. The person so  
11 designated and all expenses incurred in connection with the duties of  
12 the secretary shall be paid from the funds raised under the provisions  
13 of this act".

Approved April 21, A. D. 1923.

## CHAPTER 36

## MATTRESSES

H. F. 681

AN ACT to require the labelling of mattresses and comforts, to prohibit the use of infectious, insanitary, unhealthful, or second hand material in their manufacture, and to prohibit any manufacturer or his agent from selling, offering or consigning for sale, or having in his possession with intent to sell, offer for sale, or consign for sale, any mattress or comfort, unless the same be made wholly of new material and labelled as hereinafter provided, and repealing chapter four hundred six (406), acts of the thirty-seventh general assembly (C. C. 1250-1261).

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

1 SECTION 1. Definition. A mattress, within the meaning of this  
2 act, shall include what is commonly known as a bed mattress, and also  
3 any other article for use as a bed pad, consisting of an outer covering  
4 of cloth, ticking or other fabric, and stuffed or filled with hair, wool,  
5 moss, cotton, excelsior, or any other material.

6 A comfort, within the meaning of this act, shall include what is  
7 commonly known as a bed comfort, and also any other article for use  
8 as a bed cover, consisting of an outer covering of cloth or any other  
9 fabric, with wool, cotton or other material between.

1 SEC. 2. Materials—labels. It shall be unlawful for any manufac-  
2 turer or his agent to sell, offer or consign for sale, or have in his  
3 possession with intent to sell, offer or consign for sale, any mattress  
4 or comfort as herein defined, containing any infectious, insanitary or  
5 unhealthful material, or any other material previously used or not  
6 entirely new, sterilized feathers excepted, and unless the same be  
7 labelled as follows, to wit: to each of said articles there shall be  
8 attached upon the outside thereof, a cloth, or cloth-lined label not less  
9 than two by three inches in size, upon which shall be legibly written or  
10 printed, in the English language, in letters not less than one-eighth  
11 of an inch in height, a description of the materials used in the filling,  
12 with the name and address of the maker of such mattress or comfort.  
13 The sewing of one edge of said label securely to said article shall be  
14 sufficient.

15 If all of the material used in making said articles shall not have  
16 been previously used, and be new, the words "Manufactured of New  
17 Material" shall appear upon said label.

1 SEC. 3. Form of label. The label above provided for shall be in  
2 substantially the following form, but may contain thereon additional  
3 statements or information:

4 "OFFICIAL STATEMENT"  
5 "Manufactured of New Material."  
6 (Here describe kind and character of filling)  
7 "This article is made in compliance with an act of the state of Iowa,  
8 approved the..... day of ..... 1923.  
9 (Here state manufacturer's name and address.)"  
10 Factory Number .....

1     **SEC. 4. Applicability—remaking.** This act shall not apply to mat-  
2 tresses or comforts made by any person for his individual or family  
3 use, nor to the remaking of any mattress or comfort not thereafter  
4 to be sold or offered for sale.

5     Any mattress or comfort so remade shall have attached thereto a  
6 label of the kind hereinbefore provided for, except that such label  
7 shall bear the words "Remade from Used Material" in lieu of the  
8 words "Manufactured of New Material".

1     **SEC. 5. Penalty.** It shall be unlawful for any person to remove, de-  
2 face, or alter, or cause to be removed, defaced or altered, any label  
3 so attached to said articles.

1     **SEC. 6. Separate offense defined.** The doing of any of the acts herein  
2 prohibited or declared unlawful, shall be and constitute a separate  
3 offense for each and every mattress or comfort not made, labelled or  
4 otherwise handled, as provided in this act.

1     **SEC. 7. Inspection—duty to enforce—rule of evidence.** It shall be the  
2 duty of the state board of health, not less than once each year, to  
3 cause each factory in the state, where mattresses or comforts are  
4 made, to be inspected, for which inspection a fee of ten dollars (\$10.00)  
5 shall be paid to the state by the manufacturer inspected, but no  
6 manufacturer shall be required to pay fees in excess of twenty dollars  
7 (\$20.00) for any one calendar year.

8     The state board of health shall be charged with the enforcement  
9 of this act and shall have power to prosecute violators of this act, and  
10 the finding of any infectious, insanitary, unhealthful or secondhand  
11 material in that part of any factory devoted to the manufacture of  
12 mattresses or comforts, shall be prima facie evidence that such mate-  
13 rial has been and is being used in violation hereof.

1     **SEC. 8. Penalty.** The violation of any of the provisions of this act  
2 shall be deemed a misdemeanor and upon conviction thereof, any  
3 person may be punished by a fine of not less than fifty (50) dollars  
4 nor more than one hundred (100) dollars or by imprisonment in the  
5 county jail not to exceed thirty (30) days or by both such fine and  
6 imprisonment.

1     **SEC. 9. Registration.** Every manufacturer of mattresses shall reg-  
2 ister with the board of health and be assigned by them a factory  
3 number, which shall show on each label as attached to the mattress.

1     **SEC. 10. Repeal.** Chapter four hundred six (406), acts of the  
2 thirty-seventh general assembly is hereby repealed.

Approved April 16, A. D. 1923.



## CHAPTER 37

## POLLUTION OF PUBLIC WATERS

H. F. 629

AN ACT relating to the pollution of the waters of any stream, waterway or lake of this state, providing penalties for violation thereof, and providing for the issuance of a writ of injunction to prohibit the same.

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

1     **SECTION 1. Pollution—complaint—hearing—orders.** That when-  
 2 ever the city or town council, board of health of any city or town, the  
 3 trustees of any township in this state or twenty-five residents by peti-  
 4 tion, shall make complaint in writing to the state board of health  
 5 charging that any city, town, village, corporation, person or firm,  
 6 named in said complaint, is discharging, or is permitting to be dis-  
 7 charged any sewerage or other wastes or befouling or deleterious mat-  
 8 ter into any stream, watercourse, river, spring, lake or pond, and is  
 9 thereby materially injuring for domestic use the character of the  
 10 water into which the same is discharged or is rendering the same  
 11 unwholesome or impure, or is polluting the source of any public water  
 12 supply, or is rendering the same deleterious to fish life, it shall be the  
 13 duty of the state board of health to forthwith inquire into and investi-  
 14 gate the conditions complained of, and if upon such investigation said  
 15 board shall find charges or any part of them made in such complaint  
 16 to be true, and that the conditions produced by the acts complained of  
 17 are detrimental to public health or comfort, or to the comfort and  
 18 health of persons residing in the vicinity, or befouling or deleterious  
 19 to fish life, it shall notify the person, community, corporation or firm  
 20 causing the pollution of the board's finding, and in the notice shall fix  
 21 a time for hearing. After such hearing if the state board of health  
 22 shall determine that the person, community, corporation or firm, shall  
 23 cease doing the acts complained of, it shall enter an order to that  
 24 effect against the offender and shall at the same time suggest any  
 25 improvements or changes in the offender's works, plant or property,  
 26 if any said board recommends, as will render the noxious matter so  
 27 being passed into the water innocuous and harmless, and shall require  
 28 by its order the offender to adopt and apply the board's recommenda-  
 29 tions in that behalf before the offender shall again resume such use  
 30 of the water, and the board shall in its order requiring the offender to  
 31 discontinue the use of the water, give to the offender a reasonable time  
 32 to adopt, construct and put in use the appliance so recommended by  
 33 the board, and such order shall in every case indicate as a part thereof  
 34 the time given to such offender; provided, however, that in the event  
 35 said board of health shall find that any offender is polluting the source  
 36 of any water supply or is rendering the water of any river, stream or  
 37 pond unwholesome or impure and dangerous to public health, the order  
 38 of said board of health against such offender shall take effect imme-  
 39 diately.

1     **SEC. 2. Right of state board.** The state board of health shall have  
 2 the same right and power to make inquiries and orders as provided in

3 section one hereof, upon its own motion as upon the complaint in  
4 writing being filed as therein required.

1 **SEC. 3. Record of proceedings.** It shall be the duty of the secretary  
2 of the state board of health to keep a complete record, in a proper  
3 record book of the board, of all of the proceedings of said board had in  
4 pursuance of any provision of this act and of all evidence taken by the  
5 board in such proceeding, including as a part of such record the  
6 findings and report of the sanitary engineers to be made as provided  
7 for in section four of this act. Such record shall be a public record  
8 open to the public.

1 **SEC. 4. Interpretive clause.** The provisions of this act shall not be  
2 construed as repealing any of the provisions of the law as the same  
3 now exists relative to nuisances.

1 **SEC. 5. Applicability of act.** Provided, however, that the provisions  
2 of this act shall not apply to the lower four thousand (4000) feet of  
3 any stream flowing into a river at a place where such river forms a  
4 part of the boundary line of the state.

Approved April 16, A .D. 1923.

## CHAPTER 38

### CHIROPRACTIC

H. F. 641

AN ACT to amend chapter seven (7), acts of the thirty-ninth general assembly (S. C.  
C. 1326-a22, 1326-a23, 1326-a25, 1326-a26, 1326-a29, 1326-a30 and 1326-a31), relating  
to the licensing of chiropractors and the regulation of the practice of chiropractic.

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

1 **SECTION 1. Qualifications for examination.** That the law as it  
2 appears in section one (1) of chapter seven (7), acts of the thirty-  
3 ninth general assembly be and the same is hereby amended by insert-  
4 ing after the word "is" and before the word "a" in line two (2) in  
5 said section the following: "at least twenty-one (21) years of age  
6 and", and that said section be further amended by striking out the  
7 words "a recognized" as they appear in line three (3) of said section  
8 and inserting in lieu thereof the word "an", and that said section  
9 be further amended by inserting after the comma (,) following the  
10 word "chiropractic" and before the word "giving" in line four (4) the  
11 following: "recognized by the board of examiners as a standard  
12 school."

1 **SEC. 2. Rules.** That section four (4) of said act be and the same  
2 is hereby amended by inserting after the word "examinations" and  
3 before the word "which" in line eleven (11) of said section the fol-  
4 lowing: "and such other rules as they may deem necessary for the  
5 purpose of carrying out the provisions of this act and not in conflict  
6 with its provisions".

1     **SEC. 3. Meetings of board.** That section five (5) of said act be  
2 amended by striking out the words "February, July and October" in  
3 line five (5) of said section and inserting in lieu thereof the words  
4 "April, August and December" and by adding to said section five  
5 (5) at the end thereof the following: "Provided, however, that the  
6 April and August sessions of the board may be held at a place other  
7 than the Capitol where not less than twenty (20) applications for  
8 each such examination on such dates shall have been filed and it  
9 appears to the board that the examinations can be conducted else-  
10 where to the advantage of the state and the applicants, but notice  
11 of the place of holding such examination elsewhere than at the Capitol  
12 shall be given by a publication once each week for two weeks preceding  
13 the time of holding such examination in two newspapers of general  
14 circulation in the state."

1     **SEC. 4. Present practitioners—renewals—penalty.** That section  
2 seven (7) of said act be amended by striking out of lines fourteen (14),  
3 fifteen (15), sixteen (16), seventeen (17), and eighteen (18) of said  
4 section the following: "and shall annually thereafter pay a renewal  
5 fee of two (\$2.00) dollars per annum, provided however, the appli-  
6 cation for such license shall be made within thirty (30) days after  
7 the appointment of the board of examiners. Provided, further, that",  
8 and inserting in lieu thereof a period (.) and by striking out the  
9 small letter "a" as it appears in the word "any" in line eighteen (18)  
10 of said section and inserting a capital "A" in lieu thereof. That said  
11 section be further amended by adding to the same at the end there-  
12 of the following: "Any person who receives a license to practice  
13 as a chiropractor in this state under any provision of this act, shall  
14 on the first day of January of each year, pay an annual renewal fee of  
15 three (\$3.00) dollars and shall be given a renewal certificate by the  
16 board. Any person who practices as a chiropractor without having  
17 paid such renewal fee shall be guilty of a misdemeanor and in addition  
18 to the penalty provided by law, the board of examiners may revoke  
19 his certificate to practice chiropractic."

1     **SEC. 5. Standard school.** That section eight (8) of said act be  
2 amended by adding after the word "college" in line one (1) of said  
3 section the following: "Having been approved by the board of ex-  
4 aminers" and that said section be further amended by inserting after  
5 the comma (,) following the word "chiropractic" and before the word  
6 "requiring" in line five (5) of said section the following: "including a  
7 course in practical clinical instruction".

1     **SEC. 6. Practice by students.** That section eleven (11) of said act  
2 be amended by inserting after the period following the word "paid"  
3 and before the word "If" in line eleven (11) of said section the fol-  
4 lowing: "Provided, however, that students who have entered upon a  
5 regular course of study in a recognized school may practice chiroprac-  
6 tic under the direction of a licensed preceptor under such rules as may  
7 be prescribed by the board."

1     **SEC. 7. Funds—expenditures.** That section twelve (12) of said act  
2 be amended by striking out the words "for supplies" as they appear  
3 in line thirteen (13) of said section.

1    **SEC. 8. Publication clause.** This act, being deemed of immediate  
 2 importance, shall be in full force and effect from and after its pub-  
 3 lication in the Des Moines Capital and the Des Moines Register, news-  
 4 papers published in Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 21, 1923, and the Des Moines Register April 21, 1923.

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

## CHAPTER 39

### DEAD BODIES

H. F. 425

AN ACT to regulate the disinterment of dead bodies of human beings and opening of  
 caskets containing the same or autopsy thereon, without a permit therefor and pro-  
 viding penalty for the violation of this act.

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

1    **SECTION 1. Disinterment of dead bodies.** It shall be unlawful for  
 2 any person, firm, corporation or committee to disinter the dead body  
 3 of any human being or to open the casket or coffin of such dead body  
 4 after burial, or to permit an autopsy thereon, or to aid, assist, en-  
 5 courage or to incite any of the foregoing prohibited acts, except upon  
 6 written application to the state board of health of the state of Iowa  
 7 or the district court of the county in which the body is buried, and  
 8 the procuring of a written permit for such disinterment.

1    **SEC. 2. Application for permit.** All applications for permits shall  
 2 specify:

- 3    1. If it is the request of the next of kin, which shall include either  
 4 the husband or wife of the deceased.
- 5    2. Cause of death.
- 6    3. Date of death.
- 7    4. Age at death.
- 8    5. Specific cause for application being made for such permit.
- 9    6. Other pertinent information as may be required by the state  
 10 board of health, or the district court.

1    **SEC. 3. Issuance of permit.** The state board of health or district  
 2 court shall thoroughly investigate the reasons set forth in the appli-  
 3 cation, and in issuing a permit the board or district court shall give  
 4 proper respect for the dead, due regard for the feelings of the rela-  
 5 tives and friends, careful consideration for the protection of the public  
 6 health and public welfare, and in no case shall the board issue a permit  
 7 except under circumstances of extreme exigency.

1    **SEC. 4. Disinterment for autopsy.** Permits for the disinterment of  
 2 the human dead shall be issued for the purpose of performing an  
 3 autopsy thereon only when such person met death under circumstances

4 as to cause the belief that such person met death through foul play  
5 or the wrongful act of another.

1 **SEC. 5. Penalty.** A violation of any of the provisions of this act  
2 shall be a felony, and any person found guilty thereof shall be pun-  
3 ished by imprisonment in the penitentiary for a term not exceeding  
4 two (2) years, or be fined not exceeding twenty-five hundred dollars  
5 (\$2500) or both such fine and imprisonment.

1 **SEC. 6. Applicability of act.** This act shall not apply to county  
2 coroners acting under or pursuant to statutes prescribing the powers  
3 and duties of that official, nor to the district court in actions at law  
4 or in equity pending in said court, nor the next of kin of deceased.

1 **SEC. 7. Indefinite repeal.** All acts or parts of acts in conflict with  
2 this act or inconsistent herewith are hereby repealed.

Approved April 4, A. D. 1923.

## CHAPTER 40

### BOARD OF DENTAL EXAMINERS

H. F. 520

AN ACT to amend section five (5), chapter three hundred nine (309), acts of the thirty-seventh general assembly (C. C. 1383), relating to the compensation of the board of dental examiners.

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

1 **SECTION 1. Compensation.** That section five (5), chapter three  
2 hundred nine (309), acts of the thirty-seventh general assembly (C. C.  
3 1383), be and the same hereby is amended by inserting after the word  
4 "and" and before the word "the" in line eight (8) of said section the  
5 words "in addition thereto".

1 **SEC. 2. Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its publica-  
3 tion in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in the city of Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 41

## COMMISSION OF PHARMACY

S. F. 511

AN ACT to repeal section two thousand five hundred eighty-four (2584) supplemental supplement to the code, 1915 (C. C. 1413), relating to the appointment of the commissioners of pharmacy, the powers and duties thereof, and to enact a substitute therefor.

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

1     **SECTION 1. Commission of pharmacy—appointment—duties.** That  
2 section two thousand five hundred eighty-four (2584) of the supple-  
3 mental supplement to the code, 1915, be, and the same is hereby re-  
4 pealed, and the following enacted in lieu thereof:

5     The commission of pharmacy shall consist of three competent phar-  
6 macists who have been for the preceding five years residents of the  
7 state and engaged in practicing pharmacy, one of whom shall be  
8 annually appointed by the governor and hold office for three years and  
9 until his successor is appointed and qualified. The Iowa Pharma-  
10 ceutical Association may, on or before the first day of March of each  
11 year, submit to the governor the names of three persons each of  
12 whom shall possess the qualifications herein required for members  
13 of the commission of pharmacy, from which all commissioners of  
14 pharmacy appointed by the governor during that year shall be se-  
15 lected.

16     It shall be the duty of the commission to see that the laws relating  
17 to the practice of pharmacy are enforced. The commission shall have  
18 power to make all needed regulations for its government and for the  
19 proper discharge of its duties, according to the provisions of this  
20 chapter, the same to be done without expense to the state, save the  
21 necessary blanks and stationery which shall, upon requisition be  
22 furnished by the superintendent of printing and to make such other  
23 regulations not inconsistent with and as authorized by law, respecting  
24 the purchase, keeping and use of intoxicating liquors by registered  
25 pharmacists not permit holders, as may be required for the prevention  
26 or abuse of trust reposed in them, and such other matters as may be  
27 hereinafter specifically enumerated.

Approved April 4, A. D. 1923.

## CHAPTER 42

## REGISTRATION OF PHARMACISTS

H. F. 711

AN ACT to amend the law as it appears in section twenty-five hundred eighty-nine-d (2589-d), supplement to the code, 1913, as amended by chapter ninety-five (95), acts of the thirty-eighth general assembly (C. C. 1420), relating to the examination and the registration of pharmacists.

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

1 SECTION 1. **Renewal certificate.** That the law as it appears in sec-  
2 tion twenty-five hundred eighty-nine-d (2589-d), supplement to the  
3 code, 1913, as amended by chapter ninety-five (95), acts of the thirty-  
4 eighth general assembly (C. C. 1420), be and the same is hereby  
5 amended by striking out all that part of said section as amended after  
6 the "period" following the word "writing" in line nine and substituting  
7 in lieu thereof the following:

8 "After registration an annual fee of two dollars (\$2.00) for renewal  
9 certificate shall be paid on or before the twenty-second day of March  
10 by all pharmacists and assistants who continue in business. If such  
11 fee is not paid by the time specified, a penalty of one dollar (\$1.00)  
12 shall be added and collected. One dollar (\$1.00) of each annual fee  
13 and all penalties collected shall be paid into the state treasury as pro-  
14 vided in section twenty-five hundred eighty-six (2586) of the code and  
15 one dollar (\$1.00) of such fee shall be paid to the treasurer of the  
16 Iowa Pharmaceutical Association, quarterly, on the first day of Janu-  
17 ary, April, July and October of each year to be used by said association  
18 for the advancement of the art and science of pharmacy, and the con-  
19 duct of a pharmacy without the renewal herein provided for shall be  
20 a misdemeanor."

Approved April 4, A. D. 1923.

## CHAPTER 43

## NARCOTIC DRUGS

S. F. 569

AN ACT to regulate the sale, possession and use of narcotic drugs, declaring places where such drugs are possessed, sold or used unlawfully to be nuisances and subject to injunction and abatement as such; providing for search warrants and the disposition of drugs seized; providing penalties for the violation of all acts prohibited; and providing that all provisions shall be construed as mandatory and to prevent evasion; and repealing all acts or parts of acts in conflict with this act.

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

1 SECTION 1. **Possession prohibited—exceptions—penalty.** That no  
2 person shall have in his possession or under his control any opium,  
3 coca leaves, or any compound, manufacture, salt, derivative, or prep-

4 aration thereof, including cocaine, morphine, heroin and codeine,  
5 unless it be possessed thru having been prescribed, or dispensed, in  
6 good faith, by a physician, dentist or veterinary surgeon registered  
7 under the laws of Iowa and registered by the United States Govern-  
8 ment under the Harrison Act, an act of congress approved December  
9 17, 1914 as amended, to prescribe or dispense such drugs; provided  
10 that this section shall not apply to any person registered under the  
11 said Harrison act, or to any employee, or assistant of a registered per-  
12 son and under his supervision, having such possession or control by  
13 virtue of his employment and not on his own account; or to the posses-  
14 sion of any of the aforesaid drugs by any corporation engaged in the  
15 wholesale of such drugs, or by manufacturers of pharmaceuticals, the  
16 said wholesalers and manufacturers being registered under the said  
17 Harrison Act, or by any United States, State, City, County or Munic-  
18 ipal official who has possession of any of said drugs by reason of his  
19 official duties, or by a warehouseman holding possession for a person  
20 so registered and who has paid the tax under the aforementioned  
21 Harrison Act, or to common carriers engaged in transporting such  
22 drugs; provided further, that it shall not be necessary to negative  
23 any of the aforesaid exemptions under any complaint, information,  
24 indictment or other writ or proceeding, brought under this act; and  
25 the burden of proof of any such exemption shall be on the defendant.  
26 Any person violating any provisions of this section shall be deemed  
27 guilty of a misdemeanor and shall be fined not less than one hundred  
28 (\$100.00) dollars or more than one thousand (\$1,000.00) dollars or  
29 be imprisoned in the county jail not less than thirty days nor more  
30 than one year, or both such fine and imprisonment.

**SEC. 2. Manufacture, sale, etc. prohibited—exceptions—penalty.**

1 That no person, company or corporation shall import, manufacture,  
2 produce, compound, sell, deal in, dispense or give away any of the nar-  
3 cotic drugs mentioned in section one (1) of this act, excepting as  
4 otherwise hereinafter provided. Any person who violates any of the  
5 provisions of this section shall be deemed guilty of a felony and on  
6 conviction be imprisoned in the state reformatory or state penitentiary  
7 for not more than ten years, or a fine not to exceed one thousand dollars  
8 (\$1,000) or by both such fine and imprisonment. Any company or  
9 corporation violating any of the provisions of this section shall, on  
10 conviction, be fined not more than five thousand (\$5,000.00) dollars  
11 or less than five hundred (\$500.00) dollars, and costs of prosecution;  
12 provided that this section shall not apply to persons registered under  
13 the aforesaid Harrison narcotic act and authorized or permitted to  
14 possess, sell or use such narcotic drugs through compliance with said  
15 Harrison act, and all United States, state, county and municipal offi-  
16 cials who in the exercise of their official duties are engaged in any  
17 business or act herein described.

1 **SEC. 3. Vehicles and containers.** That any motor vehicle or vehicle  
2 drawn by animals, or any container, that is being used for  
3 transporting narcotic drugs, which have been manufactured, sold,  
4 purchased, delivered or received in violation of the laws of the United  
5 States or of this act, may be seized by any peace officer in any county  
6 in which such shipment originates or thru which it passes or in the  
7 county in which it is to be delivered; said vehicle and the contents  
8 therein so seized shall be taken to a magistrate who shall serve notice



9 on the owner thereof of such seizure and of the time set for a hearing  
10 thereon which shall not be less than five days nor more than fifteen  
11 days, after said seizure. On the magistrate finding that such vehicle  
12 has been used in the illegal transportation of narcotic drugs he shall  
13 order the vehicle forfeited and direct a peace officer in charge thereof  
14 to sell the vehicle so seized as chattels under execution and apply the  
15 money to the payment of the costs of the action and any other monies  
16 remaining shall go into the school fund of the county. Providing,  
17 however, that any person owning such vehicle may file a claim for  
18 such vehicle setting out under oath that he did not know, and that  
19 by the exercise of due diligence he could not have known, that the  
20 vehicle was to be used for any such purpose.

1 **SEC. 4. General exceptions.** That the provisions of this act shall  
2 not be construed to apply to the sale, distribution, giving away, dis-  
3 pensing, or possession of preparations and remedies which do not con-  
4 tain more than two grains of opium, or more than one-fourth grain  
5 of morphine, or more than one-eighth of a grain of heroin, or more  
6 than one grain of codeine, or any salt or derivative of any of them in  
7 one fluid ounce, or, if a solid or semi-solid preparation, in one avoird-  
8 pois ounce; or to liniments, ointments or other preparations which are  
9 prepared for external use only, except liniments, ointments and other  
10 preparations which contain cocaine or any of its salts or alpha or beta  
11 eucaine or any of their salts or any synthetic substitute for them:  
12 provided, that such remedies and preparations are sold, distributed,  
13 given away, dispensed, or possessed as medicines and not for the pur-  
14 pose of evading the intentions and provisions of this act. The provi-  
15 sions of this act shall not apply to decocanized coca leaves or prepara-  
16 tions made therefrom, or to other preparations of coca leaves which  
17 do not contain cocaine.

1 **SEC. 5. Common nuisance—injunction.** That any building, erection  
2 or place resorted to by habitual users of narcotic drugs, for the purpose  
3 of using such drugs, or which is used for the illegal keeping of the  
4 same, and any building, erection or place in which narcotic drugs are  
5 kept, sold or dispensed in violation of the laws of Iowa or the laws of  
6 the United States, shall be deemed a common nuisance, and it may be  
7 enjoined and abated thru the same laws and proceedings provided for  
8 enjoining and abating intoxicating liquor nuisances, as provided for  
9 in title twelve, chapter six of the code as amended, and evidence of  
10 the general reputation of the place shall be competent to establish the  
11 existence of the nuisance, and for the violation of any such injunction,  
12 temporary or permanent, the offender may be punished for contempt  
13 of court under the same laws and proceedings provided for punishment  
14 for contempt of court for the violation of an injunction made and  
15 entered against an intoxicating liquor nuisance, as provided in the  
16 aforementioned title and chapter.

1 **SEC. 6. Search warrant.** If any credible resident of the state makes  
2 affidavit before a magistrate that he has reason to believe and does  
3 believe that narcotic drugs are kept or deposited by any person in any  
4 building, erection or place, and are intended to be sold, dispensed or  
5 used unlawfully, and such magistrate finds that the affiant has probable  
6 cause for believing his allegations to be true, he shall issue a search  
7 warrant, directed to any peace officer in the county commanding him

8 to search the premises described in such affidavit or information, and  
9 to seize and securely keep any such drugs found in the place described  
10 until final action thereon, and return the warrant forthwith, with his  
11 doings thereon, to the magistrate issuing the same.

1 **SEC. 7. Forfeiture—burden of proof—order of disposal.** The mag-  
2 istrate issuing a search warrant upon which the peace officer serving  
3 it, in his return thereon, shows the seizure of any narcotic drugs,  
4 shall cause to be left at the place searched, a notice setting out the  
5 kind and quantity of narcotic drugs so seized and fixing a date of not  
6 less than five nor more than fifteen days after such seizure, at which  
7 time the said drugs will be forfeited on an order of default unless the  
8 owner appears and files a written claim for the same, when the drugs  
9 at issue shall be tried substantially as an action in equity, and the  
10 claimant of the drugs may introduce evidence to show that he pos-  
11 sessed the drugs in question legally and that they were not intended  
12 for illegal use. The burden of proof shall be on the claimant of the  
13 drugs, and if he establish the fact that the drugs were possessed  
14 legally and were not intended for illegal sale or use, then the said  
15 drugs shall be delivered to the claimant; otherwise the magistrate  
16 shall order such drugs delivered to the state board of control, to be  
17 used in the state hospitals under the direction of the superintendent  
18 or a physician of the institution, or by his direction, and the costs  
19 taxed to the claimant. The claimant of such drugs and the state  
20 shall have the right to appeal as in ordinary civil actions.

1 **SEC. 8. Forms.** That all forms necessary to carry out the provi-  
2 sions of this act shall be prepared and provided by the attorney gen-  
3 eral.

1 **SEC. 9. Rule of construction.** That all provisions of this act shall  
2 be construed as mandatory and not directory and that all provisions  
3 shall be construed by the courts so as to prevent evasion.

1 **SEC. 10. Applicability of act—rule of evidence.** That the provi-  
2 sions of this act shall not apply to any person, company or corporation  
3 exempted under section one (1) of this act unless it be shown by  
4 competent evidence that such person, company or corporation has  
5 purchased or received any narcotic drugs, heretofore mentioned, from  
6 persons not authorized to sell the same, and the possession of such  
7 narcotic drugs, unaccounted for by the legal authority to purchase  
8 and have possession of the same, or having in his possession any of  
9 such drugs concealed or stored in any other place than that provided  
10 for the storage of his stock of such drugs which have been purchased  
11 legally, shall be prima facie evidence of the purchase of such nar-  
12 cotic drugs from persons unauthorized to sell or dispense the same,  
13 in which case the proceedings, penalties and forfeitures provided in  
14 this act shall apply.

1 **SEC. 11. Indefinite repeal.** All acts or parts of acts in conflict  
2 with this act are hereby repealed.

1 **SEC. 12. Publication clause.** This act being deemed of immediate  
2 importance shall take effect from and after its publication in the

3 Ottumwa Courier, a newspaper published in Ottumwa, Iowa, and the  
4 Iowa Forum, a newspaper published in Des Moines, Iowa.

Approved April 10, A. D. 1923.

I hereby certify that the foregoing act was published in the Iowa Forum April 11, 1923, and the Ottumwa Courier April 12, 1923.

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

## CHAPTER 44

### IMITATION MILK PRODUCTS

S. F. 513

AN ACT to prohibit the sale or exchange, or to have in possession with intent to sell or exchange, any milk, cream, ice cream, skim milk, buttermilk, condensed or evaporated milk, powdered or dessicated milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat; providing penalties for the violation of the provisions of this act, and amending chapter two hundred six (206), acts of the thirty-eighth general assembly (S. C. C. 1445).

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

1 SECTION 1. **Manufacture, sale or possession prohibited.** It shall  
2 be unlawful for any person, firm or corporation, by himself, or by  
3 any officer, servant, or agent, or as the servant or agent of another,  
4 to manufacture, sell or exchange or have in possession with intent  
5 to sell or exchange, any milk, cream, ice cream, skim milk, buttermilk,  
6 condensed or evaporated milk, powdered or dessicated milk, con-  
7 densed skim milk, or any fluid derivatives of any of them to which  
8 has been added any fat or oil other than milk fat, either under the  
9 name of said products or articles or the derivatives thereof or under  
10 any fictitious or trade name whatsoever.

1 SEC. 2. **Penalty.** Any person, firm or corporation violating any  
2 provisions of this act shall be guilty of a misdemeanor and upon con-  
3 viction thereof shall be punished by imprisonment in the county jail  
4 for not more than thirty (30) days or by a fine of not less than  
5 twenty-five dollars (\$25.00) nor more than one hundred dollars  
6 (\$100.00), or by both such fine and imprisonment.

1 SEC. 3. **Enforcement.** The dairy and food commissioner, by him-  
2 self or by his assistants, chemists, inspectors or agents, shall be  
3 charged with the enforcement of the provisions of this act.

1 SEC. 4. **Repeal.** Section two (2) of chapter two hundred six (206),  
2 acts of the thirty-eighth general assembly (S. C. C. 1445) is hereby  
3 amended by striking out all after line sixty-seven (67) thereof.

Approved March 28, A. D. 1923.

## CHAPTER 45

## DEPARTMENT OF AGRICULTURE

S. F. 718

AN ACT to amend section sixteen hundred fifty-seven-n (1657-n), supplement to the code, 1913 (C. C. 1622), as amended by chapter three hundred sixty-five (365), acts thirty-eighth (38) general assembly, relating to use of rooms in the state capitol building and to the furnishing of supplies by the executive council.

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

1 SECTION 1. **Rooms and supplies.** Section sixteen hundred fifty-  
2 seven-n (1657-n), supplement to the code, 1913, as amended by chap-  
3 ter three hundred sixty-five (365), acts thirty-eighth (38) general  
4 assembly is amended by striking out all that part of said section com-  
5 mencing with the first word thereof down to and including the word  
6 "supplied", in line five (5).

Approved April 17, A. D. 1923.

## CHAPTER 46

## DEPARTMENT OF AGRICULTURE

S. F. 594

AN ACT to create a department of agriculture, to consolidate thereunder certain governmental agencies and departments, to terminate the term of office and duties of certain officers in effecting said consolidation, to create the office of secretary of agriculture, to provide for the filling of said office and to determine the powers, duties, and compensation of the incumbent.

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

1 SECTION 1. **Department of agriculture.** The following administra-  
2 tive agencies of the state and the laws regulating and governing the  
3 same are hereby consolidated into one department which shall be  
4 known as the State Department of Agriculture, to wit:  
5 1. The existing department of agriculture as provided in section  
6 one thousand six hundred fifty-seven-b (1657-b), supplement to the  
7 code, 1913; also all statutory activities and duties now imposed upon  
8 the state board of agriculture or upon the secretary thereof, except  
9 such activities and duties as relate to the state fair grounds, the im-  
10 provements thereon, the control and management of such grounds and  
11 improvements, and to the conduct and management of the annual  
12 state fair.  
13 2. The state weather and crop service department.  
14 3. The dairy and food department, embracing all the administra-  
15 tive agencies heretofore under the control and management of the  
16 state dairy and food commissioner.

- 17 4. The department of animal health, embracing all the administra-  
 18 tive agencies heretofore under the control and management of the  
 19 commission of animal health.  
 20 5. State veterinarian department.  
 21 6. State horticultural society.  
 22 7. Iowa corn and small grain growers' association.  
 23 8. Iowa beef and cattle producers' association.  
 24 9. Iowa state dairy association.  
 25 10. State poultry associations receiving financial aid from the state.  
 26 11. The statutory agency which embraces the licensing and inspect-  
 27 ing of hotels and restaurants.  
 28 12. The petroleum oil inspection service.

1 **SEC. 2. Secretary of agriculture.** The office of secretary of agri-  
 2 culture is hereby created. It shall be the duty of said officer, in  
 3 addition to any other duty which may be prescribed by law:

4 1. To encourage, promote and advance the interests of agriculture,  
 5 including horticulture, live stock industry, dairying, cheese making,  
 6 poultry raising, bee keeping, forestry, production of wool, and other  
 7 kindred and allied industries.

8 2. To promote and devise methods of conducting said industries  
 9 with the view of increasing production and facilitating an adequate  
 10 distribution of the same at the least cost to the producer.

11 3. To compile statistics and information, in cooperation with the  
 12 federal government, relative to crop production, farm economics, the  
 13 production and marketing of beef, pork, mutton, wool, poultry, milk,  
 14 butter, cheese and all other agricultural products, insofar as such  
 15 statistical information may be deemed of value to agriculture and its  
 16 allied interests in the state, which statistics when published shall  
 17 constitute the official agricultural statistics of the state.

18 4. To cooperate with the Iowa state college of agriculture and  
 19 mechanic arts in all ways that may be beneficial to the agricultural  
 20 interests of the state, but without duplicating research or educational  
 21 work conducted by the Iowa state college of agriculture and mechanic  
 22 arts.

23 5. To include in his compilation and publications, the reports of  
 24 agriculture, horticultural, live stock associations, and other like asso-  
 25 ciations or societies organized for the promotion of the agricultural  
 26 interests of the state.

27 6. Nothing herein contained shall be construed as to subordinate  
 28 the state department of agriculture, as provided for by this act, to  
 29 the Iowa state college of agriculture and mechanic arts.

1 **SEC. 3. Temporary appointment.** Prior to the final adjourn-  
 2 ment of the present session of the general assembly, the governor  
 3 shall, with the approval of two-thirds of the senate in executive ses-  
 4 sion, appoint a secretary of agriculture who shall hold office from  
 5 July first (1), nineteen hundred twenty-three (1923), until the second  
 6 secular day in January, nineteen hundred twenty-five (1925).

1 **SEC. 4. Election.** At each general election, commencing with nine-  
 2 teen hundred twenty-four (1924), there shall be elected by the elec-  
 3 tors of the state a secretary of agriculture who shall hold office for  
 4 the period of two years from the second secular day of January fol-  
 5 lowing said election.

1     **SEC. 5. Nomination.** All statutes relating or pertaining to the  
2 nomination of candidates for state officers, by primary election or by  
3 petition, shall apply insofar as practicable, to the nomination of candi-  
4 dates for secretary of agriculture.

1     **SEC. 6. Vacancies.** Vacancies in the office of secretary of agricul-  
2 ture shall be filled by the governor by appointment. Such appointee  
3 shall hold office until the next general election.

1     **SEC. 7. Qualification, bond, and salary.** The secretary of agricul-  
2 ture shall, before entering upon the duties of his office, qualify in the  
3 same manner in which officers generally are required to qualify, and  
4 shall give bond in the sum of five thousand (\$5,000) dollars, which  
5 bond, when approved by the governor, shall be filed with the secretary  
6 of state. The secretary of agriculture shall receive a salary of four  
7 thousand (\$4,000) dollars per annum.

1     **SEC. 8. Office and equipment.** The secretary of agriculture shall  
2 be provided at the seat of government by the executive council with  
3 all necessary offices, supplies and equipment.

1     **SEC. 9. Deputies and assistants.** Said secretary shall have author-  
2 ity, in the performance of his duties, to appoint such deputies and  
3 assistants as shall be authorized by law.

1     **SEC. 10. State fair.** Nothing in this act shall be construed as in  
2 any manner limiting the authority of the state board of agriculture  
3 over the state fair grounds or over the management and control of  
4 the state fair held thereon, except that the secretary of agriculture  
5 shall be, by virtue of his office, a member of said board.

1     **SEC. 11. Abolition of offices.** On July first (1), nineteen hundred  
2 twenty-three (1923), the following official positions are abolished and  
3 the incumbents of said positions, on said date are ordered to turn  
4 over to the secretary of agriculture all books, documents, records and  
5 property pertaining to their respective positions, to wit:

- 6     1. State dairy and food commissioner.
- 7     2. State veterinarian.
- 8     3. Commission of animal health.
- 9     4. Inspector of petroleum products including the chief oil inspector.

1     **SEC. 12. Duty and power of secretary.** The secretary of agricul-  
2 ture shall receive the matters and things enumerated in the last  
3 preceding section, and from and after said date shall be invested with  
4 and shall perform and execute all the powers and duties theretofore  
5 performed and executed by the several officers enumerated in said  
6 last preceding section.

1     **SEC. 13. Hotel license and inspection.** On July first (1), nineteen  
2 hundred twenty-three (1923), the state board of health and the  
3 hotel inspector shall deliver to the secretary of agriculture all books,  
4 documents, records, and property pertaining to the licensing and  
5 inspecting of hotels and restaurants, and from and after said date  
6 the hotel inspector and said board of health are relieved of all right  
7 or duty to administer said agency.

1     **SEC. 14. Duty and power of secretary.** The secretary of agricul-  
2 ture shall receive the matters and things enumerated in the last pre-

3 ceding section and from and after said date shall be invested with  
4 and shall perform and execute all the powers and duties heretofore  
5 performed and executed either by the state board of health or by the  
6 hotel inspector with reference to the licensing and inspecting of hotels  
7 and restaurants.

1     **SEC. 15. State board of agriculture.** On July first (1), nineteen  
2 hundred twenty-three (1923), the state board of agriculture and the  
3 secretary thereof shall deliver to the secretary of agriculture all  
4 books, documents, records, and property pertaining to the statutory  
5 agencies and duties heretofore imposed either upon said board or upon  
6 the secretary thereof, except the books, documents, records, and prop-  
7 erty relating to the state fair grounds, the improvements thereon, and  
8 the annual fair held on such grounds. From and after said date the  
9 state board of agriculture and the secretary thereof shall be relieved  
10 of all right or duty in relation to said surrendered agencies.

1     **SEC. 16. Duty and power of secretary.** The secretary of agricul-  
2 ture shall receive the matters and things enumerated in the last pre-  
3 ceding section and from and after said date shall be invested with  
4 and shall perform and execute all the powers and duties pertaining  
5 to said surrendered agencies as fully and to the same extent as was  
6 formerly performed and executed by said board or the secretary  
7 thereof.

1     **SEC. 17. Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its publica-  
3 tion in the Des Moines Register and in the Des Moines Capital, news-  
4 papers published in the city of Des Moines, Iowa.

Approved April 6, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 7, 1923, and the Des Moines Register April 8, 1923.

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

## CHAPTER 47

### IOWA STATE DAIRY ASSOCIATION

### IOWA BEEF CATTLE PRODUCERS' ASSOCIATION

### IOWA CORN AND SMALL GRAIN GROWERS' ASSOCIATION

S. F. 539

AN ACT to repeal section four (4) of chapter three hundred four (304), acts of the  
thirty-ninth general assembly and to enact substitutes therefor, making an appropri-  
ation for certain purposes connected with the work of the Iowa state dairy associa-  
tion, the Iowa beef cattle producers' association and the Iowa corn and small grain  
growers' association.

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

1     **SECTION 1.** Section four (4) of chapter three hundred four (304),  
2 acts of the 39th general assembly is hereby repealed.

1     **SEC. 2. Appropriation.** There is biennially appropriated out of  
 2 any funds in the state treasury not otherwise appropriated, the sum  
 3 of twelve thousand five hundred dollars (\$12,500.00) for the purpose  
 4 of paying the compensation and actual expenses of the inspectors and  
 5 instructors authorized by section three (3) of chapter one hundred  
 6 eighty-seven (187), acts of the 37th general assembly, as amended  
 7 by the 38th general assembly, chapter three hundred fifty (350) and  
 8 by the 39th general assembly, chapter three hundred four (304).

1     **SEC. 3. Appropriation.** There is biennially appropriated out of  
 2 any funds in the state treasury not otherwise appropriated, the sum  
 3 of twelve thousand five hundred dollars (\$12,500.00) for the purpose  
 4 of paying the compensation and actual expenses of the inspectors and  
 5 instructors authorized by section seven (7) of chapter one hundred  
 6 eighty-seven (187), acts of the 37th general assembly, as amended  
 7 by chapter three hundred fifty (350), acts of the 38th general assem-  
 8 bly, as amended by chapter three hundred four (304), acts of the  
 9 39th general assembly.

1     **SEC. 4. Appropriation.** There is biennially appropriated out of  
 2 any funds in the state treasury not otherwise appropriated, the sum  
 3 of seventy-five hundred dollars (\$7500.00) for the purpose of paying  
 4 the compensation and expenses of the employees authorized by sec-  
 5 tion twelve (12) of chapter one hundred eighty-seven (187), acts  
 6 of the 37th general assembly, as amended by chapter three hundred  
 7 fifty (350), acts of the 38th general assembly and by the 39th general  
 8 assembly, chapter three hundred four (304).

Approved April 2, A. D. 1923.

## CHAPTER 48

### ANIMAL HEALTH

H. F. 732

AN ACT to amend chapter two hundred eighty-seven (287), acts of the thirty-eighth general assembly as amended by the acts of the thirty-ninth general assembly (C. C. title VIII, chapter 15) so as to permit the establishment of additional methods for the eradication of bovine tuberculosis and to promote the health and welfare of the citizens of the state.

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

1     **SECTION 1.** That the law as it appears in chapter two hundred  
 2 eighty-seven (287) of the acts of the thirty-eighth general assembly  
 3 as amended by the acts of the thirty-ninth general assembly (c. c.  
 4 title VIII, chapter 15) be and the same is hereby amended by insert-  
 5 ing immediately following section ten (10) thereof the following:

1     **SEC. 10-a. Tuberculosis—local plan to eradicate.** There is hereby  
 2 established for the purpose of the eradication of bovine tuberculosis,  
 3 the county area plan, and the county accredited area plan.



1     **SEC. 10-b. County area testing unit—establishment.** Whenever a  
 2 petition signed by fifty-one per cent of the owners of breeding cattle  
 3 within the county, as shown by the assessor's reports, together with  
 4 agreements as provided in section ten (10) hereof, shall be presented  
 5 to the board of supervisors, the board shall make application to the  
 6 commission of animal health of the state for the enrollment of said  
 7 county under the county area plan and shall, at the same time for-  
 8 ward to the commission of animal health the agreements signed as  
 9 provided herein. The commission of animal health shall, when it  
 10 receives agreements signed by fifty-one per cent of the owners of  
 11 breeding cattle within such county, designate such county as a county  
 12 area testing unit and it shall forthwith proceed with the eradication  
 13 of bovine tuberculosis in such county under the county area plan as  
 14 provided herein.

1     **SEC. 10-c. County eradication fund—election.** Or upon the receipt  
 2 of a petition signed by 15% of the voters of any county, as shown by  
 3 the vote on the head of the ticket in the last general election, the  
 4 board of supervisors shall submit at the next general election the  
 5 following proposition: "Shall.....county levy  
 6 a tax of not more than three (3) mills on the taxable value of the  
 7 county for the purpose of establishing a county area tuberculosis  
 8 eradication fund and entering upon the county area tuberculosis eradi-  
 9 cation plan." Should such a proposition carry in the next general  
 10 election, the board shall proceed as in this section provided, to estab-  
 11 lish the county area tuberculosis eradication plan.

1     **SEC. 10-d. Tax.** The board of supervisors of such county shall,  
 2 when it makes the next regular levy for taxation purposes, levy a tax  
 3 upon the taxable value of all the property in such county at a rate  
 4 of not more than three (3) mills, to be placed upon the tax list by  
 5 the county auditor and collected by the county treasurer in the same  
 6 manner and at the same time as the other taxes of the county, said  
 7 moneys, when collected, to be placed in a fund to be known as the  
 8 county tuberculosis eradication fund.

1     **SEC. 10-e. Disbursement of fund.** The county tuberculosis eradi-  
 2 cation fund shall be expended only on the order of the board of super-  
 3 visors on warrants drawn by the county auditor and in payment for  
 4 the purchase of materials, for compensation of employees and expenses  
 5 of tuberculosis inspectors as hereinafter provided, and for indemnity  
 6 for cattle slaughtered as provided herein.

1     **SEC. 10-f. Inspectors—appointment—compensation.** The commis-  
 2 sion of animal health shall, when it has designated any county as a  
 3 unit for the eradication of bovine tuberculosis under the county area  
 4 plan, appoint one or more accredited veterinarians as tuberculosis  
 5 inspectors for such county, and such inspectors shall operate under  
 6 the direction and control of the commission of animal health and shall  
 7 test the breeding cattle of such owners as shall have signed agree-  
 8 ments with the commission of animal health as provided in section  
 9 ten (10) of this chapter. They shall receive as compensation not to  
 10 exceed ten dollars (\$10.00) per diem and ten cents (10c) for every  
 11 mile traveled while engaged in such work. Such claims shall be first  
 12 certified by the executive officers of the commission of animal health

13 and filed with the county auditor. The county auditor shall present  
14 same to the board of supervisors and same shall be allowed and paid  
15 in the same manner as are other claims against the county.

1 **SEC. 10-g. Tuberculin furnished—payment.** The commission of  
2 animal health shall furnish each such inspector with the necessary  
3 tuberculin or other material, not including instruments and utensils  
4 which shall be furnished by the inspector. All such expenses incurred  
5 shall be paid from the county tuberculosis eradication fund on proper  
6 claim being presented in the same manner as hereinbefore provided  
7 for the payment of compensation and expenses to inspectors.

1 **SEC. 10-h. Funds to fulfill agreements.** The commission of animal  
2 health shall, each fiscal year hereafter, set aside a sum from the state  
3 and federal funds available, sufficient to fulfill such agreements as may  
4 heretofore have been entered into under the provisions of this chapter,  
5 and shall also reserve such additional amount as said commission  
6 deems necessary for its use in the administration of the general provi-  
7 sions of this chapter, but any owner, who may hereafter sign any  
8 agreement with the commission of animal health for testing of cattle  
9 under chapter two hundred eighty-seven (287), acts of the thirty-  
10 eighth (38th) general assembly, shall be subject to the provisions of  
11 section 10-k hereof whether such testing be under the county area  
12 plan or not.

1 **SEC. 10-i. Allotment of funds.** After such sums shall have been  
2 set aside, the commission of animal health shall prorate the remainder  
3 of any state or federal funds available among the counties of the  
4 state in proportion to the number of breeding cattle owned in each  
5 county, as shown by the last preceding assessor's books. Such moneys  
6 shall be expended in the county where allotted, provided, however,  
7 that the commission of animal health, whenever it deems it necessary  
8 for the welfare of the state, or whenever such moneys are not needed  
9 in any county, transfer such moneys so remaining in any county's  
10 allotment, to any other county.

1 **SEC. 10-j. Inspectors—use of allotted funds.** The commission of  
2 animal health may employ the inspectors appointed under the county  
3 area plan or it may employ other inspectors to make tests in any  
4 county and to pay indemnities to owners of animals ordered slaugh-  
5 tered in the manner provided in section ten (10) hereof, out of the  
6 county's allotment. However, if any county is operating under the  
7 county area plan, the allotment made to such county must be expended  
8 before the county tuberculosis eradication fund may be used.

1 **SEC. 10-k. Waiver of indemnity.** Any owner who shall sign an  
2 agreement with the commission of animal health for testing in any  
3 county under the county area plan, whose loss as determined under  
4 the provisions of section ten (10) hereof, shall be five per cent or less  
5 of the total appraised value of the animals tested, shall, in considera-  
6 tion of the free test as herein provided, be considered to have waived  
7 all claims to indemnity as provided in such section, and any owner,  
8 where the loss shall exceed five per cent of the appraised value of his  
9 animals tested, shall first deduct the said five per cent in considera-  
10 tion of such free test and shall then receive indemnity for the excess  
11 of such loss as provided in section ten (10) hereof.

1     **SEC. 10-l. Use of county eradication fund.** Should either the state  
2 or federal funds available for the purpose of this act in any county,  
3 become exhausted, the board of supervisors of such county shall  
4 authorize the use of the county tuberculosis eradication fund as a  
5 substitute for either or both such funds; provided, however, that the  
6 board of supervisors shall, whenever the county tuberculosis eradica-  
7 tion fund balance becomes less than ten thousand dollars (\$10,000.00),  
8 notify the commission of animal health in writing of such fact and  
9 no warrant shall be drawn against said fund and no expense incurred  
10 on such account in excess of the cash available in such fund.

1     **SEC. 10-m. Accredited area—conditions.** Whenever seventy-five  
2 per cent of the owners of breeding cattle in any county operating  
3 under the county area plan, shall have signed agreements with the  
4 commission of animal health, said commission shall notify the board  
5 of supervisors of such county of such fact and such board of super-  
6 visors, shall, at its next regular meeting, by resolution, declare such  
7 county's intention to become an accredited area and it shall thereafter  
8 become the duty of every owner of breeding cattle within said county  
9 to cause his breeding cattle to be tested under the accredited area  
10 plan.

1     **SEC. 10-n. Duty to have cattle tested—penalty.** Any owner of  
2 breeding cattle in any county which has come under the county area  
3 accredited plan as provided in the preceding section, who fails or  
4 neglects to apply for such test or to have his cattle tested as provided  
5 herein within a period of ninety (90) days from the publication of  
6 the resolution by the board of supervisors provided for in the pre-  
7 ceding section, which publication shall be deemed legal notice, shall  
8 be guilty of a misdemeanor and upon conviction shall be punished by  
9 a fine of not more than one hundred dollars (\$100.00) or by imprison-  
10 ment in the county jail for not more than thirty (30) days, or both,  
11 or any part of both; provided however that, before any action is com-  
12 menced under the provisions of this act, the board of supervisors of  
13 such county shall cause such owner of breeding cattle to be served  
14 with a written notice of the terms of this act, fifteen (15) days before  
15 the commencement of such action.

1     **SEC. 10-o. Additional head tax.** Should it become apparent that  
2 the funds provided by state and federal appropriations and by the  
3 county tuberculosis eradication fund as herein provided, will not be  
4 sufficient to complete the testing of breeding cattle in any county  
5 which shall have adopted the county area plan, within a reasonable  
6 time, the board of supervisors of such county is hereby authorized  
7 and empowered to levy an additional tax of not more than twenty-five  
8 cents (25c) on each bovine animal and not more than five cents (5c)  
9 on each swine, within such county as shown by the last preceding  
10 assessor's books. Said fund shall be collected by the treasurer of the  
11 county in the same manner as other taxes and placed in the county  
12 tuberculosis eradication fund to be used as provided herein.

1     **SEC. 10-p. Rule of construction.** In the event that any one or more  
2 provisions of this act shall be held unconstitutional by any court, the  
3 decision holding such provision unconstitutional shall not affect the

4 validity of the remaining provisions of this act, it being the intention  
5 of the legislature that the provisions of this act are separable.

Approved April 9, A. D. 1923.

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## CHAPTER 49

### ANIMAL HEALTH

H. F. 281

AN ACT to amend section ten (10) chapter two hundred eighty-seven (287), laws of the 38th general assembly (S. C. C. 1740), relating to the basis of valuation of tubercular cattle.

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

1 SECTION 1. Valuation of tubercular cattle. That section ten (10),  
2 chapter two hundred eighty-seven (287), laws of the 38th general  
3 assembly be and the same is hereby amended by striking out of line  
4 thirty-three the word "eighty" and inserting in lieu thereof the word  
5 "fifty", and by striking out of line thirty-four the word "forty" and  
6 inserting in lieu thereof the words "twenty-five".

1 SEC. 2. Forfeiting compensation. That any person, firm or cor-  
2 poration importing into the state of Iowa any cattle which have not  
3 been tested, and which cattle are found to be infected with tuber-  
4 culosis, shall not be permitted to participate in any such compensation.

1 SEC. 3. Publication clause. This act being deemed of immediate  
2 importance shall take effect and be in full force from and after its  
3 publication in the Des Moines Register and the Des Moines Capital,  
4 newspapers published in Des Moines, Iowa.

Approved April 4, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 7, 1923, and the Des Moines Register April 8, 1923.

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

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## CHAPTER 50

### HOG CHOLERA

H. F. 599

AN ACT to amend section two (2) of chapter one hundred seventy-three (173) acts of the thirty-ninth general assembly (S. C. C. 1783-a2) relating to the sale of anti-hog cholera serum and virus and biological products.

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

1 SECTION 1. Terms defined. That section two (2) of chapter one  
2 hundred seventy-three (173) acts of the thirty-ninth general assembly

3 be and the same is hereby amended by inserting between the word  
 4 "agent" and the "comma" (,) in line fifteen (15) of said section the  
 5 words "or manufacturer" and by inserting between the word "manu-  
 6 factures" and the comma (,) in line sixteen (16) of said section the  
 7 words "selling direct to dealers licensed under the provisions of this  
 8 act".

Approved April 20, A. D. 1923.

## CHAPTER 51

### HOG CHOLERA

H. F. 495

AN ACT to repeal section twenty-five (25) of chapter one hundred seventy-three (173), laws of the thirty-ninth general assembly, (supplement to the compiled code, 1921, Sec. 1783-a25), also to repeal sections eleven (11), twelve (12), fifteen (15), sixteen (16), seventeen (17) and eighteen (18) of chapter one hundred seventy-three (173), laws of the thirty-ninth general assembly, (supplement to the compiled code, 1921, Secs. 1783-a11, 1783-a12, 1783-a15, 1783-a16, 1783-a17, and 1783-a18), and enact substitutes therefor; and to amend section twenty-two (22) of chapter one hundred seventy-three (173), laws of the thirty-ninth general assembly, (supplement to the compiled code, 1921, sec. 1783-a22) relating to the manufacture, distribution and use of hog cholera virus and anti-hog cholera serum; and to provide for the regulation of the manufacture, distribution and use of hog-cholera virus, and anti-hog cholera serum.

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

1 SECTION 1. **Repeal.** That section twenty-five of chapter one hun-  
 2 dred and seventy-three (173), laws of the thirty-ninth general assem-  
 3 bly, (supplement to the compiled code, 1921, sec. 1783-a25) be and  
 4 it is hereby repealed.

1 SEC. 2. **Repeal—reports.** That section eleven (11) of chapter one  
 2 hundred seventy-three (173), laws of the thirty-ninth general assem-  
 3 bly, (supplement to the compiled code, 1921, sec. 1783-a11) be and  
 4 it is hereby repealed and the following enacted in lieu thereof:

5 "Sec. 11. Manufacturers and dealers to whom permits to manu-  
 6 facture and distribute have been issued shall make such written report  
 7 concerning manufacture and sale of biological products to the com-  
 8 mission as it may from time to time require."

1 SEC. 3. **Repeal—revocation of permits.** That section twelve (12)  
 2 of chapter one hundred seventy-three (173), laws of the thirty-ninth  
 3 general assembly, (supplement to the compiled code, 1921, sec. 1783-  
 4 a12) be and it is hereby repealed and the following enacted in lieu  
 5 thereof:

6 "Sec. 12. The commission may revoke any permit issued by it to  
 7 manufacturers and dealers for violation of the terms and conditions  
 8 under which it was issued, upon proper notice being given and hearing  
 9 held as hereinafter provided."

1 SEC. 4. **Repeal—permit to administer—revocation.** That section  
 2 fifteen (15) of chapter one hundred seventy-three, laws of the thirty-

3 ninth general assembly, (supplement to the compiled code, 1921, sec.  
4 1783-a15) be and it is hereby repealed and the following enacted in  
5 lieu thereof:

6 "Sec. 15. Written permits to administer virulent blood or virus  
7 from cholera infected hogs shall be issued by the commission only to  
8 such persons as present satisfactory evidence that they have attended  
9 the school of instruction and passed the examination provided for in  
10 section 18, and are qualified to administer the same. All permits  
11 heretofore or hereafter issued shall be valid until revoked by the  
12 commission. The commission may revoke such permits only upon it  
13 appearing that the holder is no longer a proper person to administer  
14 such virulent blood or virus. No person shall administer such virulent  
15 blood or virus unless he is the holder of a valid unrevoked permit."

1 SEC. 5. **Repeal—instruction—fee.** That section sixteen (16) of  
2 chapter one hundred seventy-three, laws of the thirty-ninth general  
3 assembly, (supplement to the compiled code, 1921, sec. 1783-a16) be  
4 and it is hereby repealed and the following enacted in lieu thereof:

5 "Sec. 17. Provision shall be made by the extension department of  
6 the state college of agriculture and mechanic arts for instruction in  
7 the use of serum and virus in each county and the said department is  
8 hereby authorized and directed to make all necessary arrangements  
9 for such instruction at a convenient time and place, when there are  
10 ten (10) or more applicants for such instruction. Persons who desire  
11 to avail themselves of such courses of instruction shall make applica-  
12 tion to the county agent. A fee of three dollars (\$3.00) shall accom-  
13 pany the application which fee shall be refunded if no permit is  
14 granted."

1 SEC. 6. **Repeal—school of instruction—report—compensation.** That  
2 section seventeen (17) of chapter one hundred seventy-three (173),  
3 laws of the thirty-ninth general assembly (supplement to the com-  
4 piled code, 1921, sec. 1783-a17) be repealed and the following enacted  
5 in lieu thereof:

6 "Sec. 18. The county agent shall forward such applications to the  
7 extension department and said department shall within thirty (30)  
8 days send competent instructors to such county to hold a school of  
9 instruction. Such instructor or instructors shall give all instruction  
10 and demonstrations necessary and conduct examinations and forward  
11 his report to the department immediately. Such report shall contain  
12 the names and addresses of those who have passed the examinations  
13 and shall be accompanied by the fees of those who desire permits.  
14 The extension department shall immediately certify the names and  
15 addresses of those who have passed the examination and paid their  
16 fees to the commission which shall forthwith issue and transmit per-  
17 mits to those whose names are included in said certified list. Such  
18 permits shall authorize the holder to use virulent blood or virus only  
19 upon animals owned by himself. The compensation of the instructors  
20 and other expenses connected with such instruction shall be paid out  
21 of said fees, and any surplus shall be paid into the general fund of the  
22 state, July first (1st) of each year."

1 SEC. 7. **Repeal—instruction at Ames.** That section eighteen (18)  
2 of chapter one hundred seventy-three (173), laws of the thirty-ninth

3 general assembly (supplement to the compiled code, 1921, sec. 1783-  
4 a18) be repealed and the following enacted in lieu thereof:

5 "Sec. 19. The state college may hold such schools of instruction  
6 at Ames at such times as they deem proper upon the application of  
7 ten (10) or more persons for such schools, and at such schools no  
8 fees shall be charged, and permits shall be granted to applicants as  
9 provided in section 17."

1 SEC. 8. **Separate examinations.** That section twenty-two (22) of  
2 chapter one hundred seventy-three (173), laws of the thirty-ninth  
3 general assembly, (supplement to the compiled code, 1921, sec. 1783-  
4 a22) be amended as follows: by striking from the second line thereof  
5 the figures "16" and substituting the figures "18".

1 SEC. 9. **List of manufacturers and permit holders—reports.** That  
2 after section seventeen (17) of chapter one hundred seventy-three,  
3 laws of the thirty-ninth general assembly, (supplement to the com-  
4 piled code, 1921, sec. 1783-a17) there is inserted the following:

5 "Sec. 20. The commission shall, without additional charge, and  
6 when it issues a permit to administer virus, enclose with such permit  
7 in every case a complete list of manufacturers and dealers authorized  
8 to manufacture and distribute biological products. Similar lists shall  
9 also be sent to all county agents, and any necessary corrections or  
10 changes shall be sent to the said county agents not less frequently  
11 than once every three months. The commission shall also upon the  
12 request of any manufacturer, dealer or other person furnish a com-  
13 plete list of holders of unrevoked permits to administer virus, includ-  
14 ing both names and addresses. The commission shall make such  
15 charge for lists of holders of permits to administer virus as shall  
16 cover the cost of preparation and distribution."

17 "Sec. 21. All holders of permits to administer virus shall make an  
18 annual report to the commission. Such reports shall be on forms  
19 furnished by the commission and shall include the following infor-  
20 mation:

- 21 (a) The number of hogs treated, and the date of treatment;
- 22 (b) The result of such treatment;
- 23 (c) The amount of serum and virus used;
- 24 (d) The name and address of the manufacturer of the serum and  
25 virus, and from whom purchased;
- 26 (e) The price paid for serum and virus used;
- 27 (f) Whether said permit holder took the temperature of such hogs  
28 treated and the temperatures recorded.

29 Such reports shall be delivered or mailed to the county agent of the  
30 county of the residence of the permit holder and immediately for-  
31 warded by him to the commission. The commission may suspend the  
32 permit to administer of any permit holder failing to make such report  
33 until he has complied with the provisions of this section."

1 SEC. 10. **Renumbering of sections.** That all sections succeeding  
2 section fifteen (15) of chapter one hundred seventy-three (173), laws  
3 of the thirty-ninth general assembly, (supplement to the compiled  
4 code, 1921, sec. 1783-a15) be renumbered as required by the foregoing  
5 repeal and amendments.

1 SEC. 11. **Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its publica-

3 tion in the Des Moines Register and Des Moines Capital, newspapers  
4 published in Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 21, 1923, and the Des Moines Register April 23, 1923.

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

## CHAPTER 52

### REGISTRATION OF ANIMALS

S. F. 469

AN ACT to amend section eighteen hundred and two (1802) of the compiled code and to amend section eighteen hundred and five (1805) of the compiled code and repeal a part thereof, relating to the registration of animals.

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

1 SECTION 1. Enrollment certificate. That section eighteen hundred  
2 and two (1802) of the compiled code be and the same is hereby  
3 amended by inserting in line ten (10) of said section, following the  
4 period (.) and before the word "the" in said line, the following: "No  
5 enrollment certificate shall be issued by the secretary of the state  
6 board of agriculture for any stallion which, upon verification of pedi-  
7 gree or certificate of breeding, is determined to be other than pure  
8 bred; provided that no stallion entitled, at the time of taking effect  
9 of this act, under the provisions of section eighteen hundred eleven  
10 (1811) of the compiled code to a permanent state certificate of sound-  
11 ness shall be denied enrollment. It shall be unlawful for the owner  
12 or keeper of any stallion or jack to offer same for public service until  
13 said stallion or jack has been enrolled and certificate of such enroll-  
14 ment issued by the secretary of the state board of agriculture."

1 SEC. 2. Amendment and repeal. That section eighteen hundred  
2 and five (1805) of the compiled code is hereby amended by striking  
3 from line eleven (11) of said section the words "stallion or" and by  
4 inserting a period (.) after the word "agriculture" in line fourteen  
5 (14) of said section. The balance thereof, beginning with the word  
6 "and" and continuing to the end of the section, is hereby repealed.

1 SEC. 3. Time of taking effect. The provisions of this act shall not  
2 be deemed to be in force and effect until on and after the first day of  
3 January, 1924.

Approved April 21, A. D. 1923.



## CHAPTER 53

## BOARD OF CONTROL

S. F. 365

AN ACT repealing section two thousand seven hundred twenty-seven-a forty-three (2727-a43) supplement to the code, 1913 (C. C. 1889), relating to the disbursement of funds for institutions under the state board of control, and to enact a substitute therefor.

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

1 SECTION 1. Repeal—monthly disbursements. That section two  
2 thousand seven hundred twenty-seven-a forty-three, (2727-a43) sup-  
3 plement to the code, 1913 (C. C. 1889) be and the same is hereby  
4 repealed and the following enacted in lieu thereof:

5 When the monthly statement is so made, approved and verified, it  
6 shall be forwarded to the board of control, together with the original  
7 invoices of the purchases and a complete and itemized statement of  
8 every expense of said institution, including the receipted pay roll, for  
9 the examination and audit of the board, which board shall fix a regu-  
10 lar time for the auditing of the accounts of the institution for the  
11 preceding month. The monthly pay roll of each institution shall show  
12 the name of each officer and employee, when first employed, the  
13 monthly pay, time paid for, the amount of pay, and any deductions  
14 for the careless loss or destruction of property. This requirement  
15 shall be observed in all cases, and in no event shall a substitute be  
16 permitted to receive compensation in the name of the employee for  
17 whom he is acting. When the said accounts are audited the secretary  
18 of the board of control shall, under the seal of the board, prepare in  
19 duplicate an abstract showing the name, residence, and amount due  
20 each claimant, and the institution and fund thereof on account of  
21 which the payment is made, which abstract shall also be certified by  
22 at least one member of the board, who shall be so authorized by the  
23 board, and the proceedings granting such authority shall be preserved  
24 in the records of the board. He shall deliver the original thereof to  
25 the auditor of state, the duplicate to be retained in the office of the  
26 board. Upon such certificate the auditor of state shall, if the institu-  
27 tion named has sufficient funds, issue his warrants upon the treasurer  
28 of state for the amounts and to the claimants indicated thereon. The  
29 auditor of state shall deliver the warrants thus issued to the board,  
30 who will cause same to be transmitted to the payees thereof. The  
31 pay roll of each institution may be paid by a single warrant sent to  
32 the superintendent or other officer designated by the board of con-  
33 trol, upon proper voucher therefor being filed with the auditor of  
34 state. The auditor of state is authorized to combine the balances car-  
35 ried in all specific appropriations existing when this act takes effect  
36 and such appropriations as may in the future be made, into a special  
37 account for each institution under the control of the board of con-  
38 trol, except that the support fund for each institution shall be carried  
39 as a separate account.

Approved March 9, A. D. 1923.

## CHAPTER 54

HOSPITAL FOR EPILEPTICS AND  
SCHOOL FOR FEEBLE MINDED

S. F. 355

AN ACT to change the name of the state hospital and colony for epileptics.

*Be it enacted by the General Assembly of the State of Iowa:***SECTION 1. Hospital for epileptics and school for feeble minded.**

1 That wherever in the supplemental supplement to the code 1915 or  
 2 any act of the general assembly where the term state hospital and  
 3 colony for epileptics is made use of, the same shall be and is hereby  
 4 modified so as to read "Hospital for Epileptics and School for Feeble  
 5 Minded".

Approved February 20, A. D. 1923.

## CHAPTER 55

SUPPORT FUNDS FOR STATE CHARITABLE, CORRECTIONAL, AND PENAL  
INSTITUTIONS

H. F. 372

AN ACT to repeal the law as it appears in section six (6), chapter thirty-seven (37), acts of the thirty-eighth general assembly (S. C. C. 2457), and section three (3), chapter two hundred ninety-seven (297) acts of the thirty-ninth general assembly (S. C. C. 2457), and to enact substitutes therefor; and to amend sections eleven (11) (C. C. 2469) and twelve (12) (C. C. 2470) chapter one hundred sixty-five (165), acts of the thirty-eighth general assembly, and sections two (2) (C. C. 2038) and seven (7) (C. C. 2159), chapter thirty-seven (37), acts of the thirty-eighth general assembly; relating to the support funds of the various state institutions under the supervision of the board of control of state institutions.

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

1 . **SECTION 1. Soldiers' orphans' home.** That the law as it appears in  
 2 section six (6) chapter thirty-seven (37), acts of the thirty-eighth  
 3 general assembly (S. C. C. 2457), as amended by section three (3),  
 4 chapter two hundred ninety-seven (297) acts of the thirty-ninth gen-  
 5 eral assembly (S. C. C. 2457) be and the same is hereby repealed and  
 6 the following enacted in lieu thereof:  
 7 "For the general support of the soldiers' orphans' home, there is  
 8 hereby appropriated out of any money in the state treasury not other-  
 9 wise appropriated the sum of twenty-four dollars per month, or so  
 10 much thereof as may be needed, for each child actually supported,  
 11 and in addition the expense of his transmission to the home, which  
 12 sums shall be drawn from the state treasury and expended in the  
 13 manner provided by chapter eleven-B, title thirteen (13), supplement  
 14 to the code 1913 (C. C. title IX, chapter 1). The number of children

15 shall be ascertained by taking the average attendance for the pre-  
 16 ceding month, provided however, that if the average number of  
 17 children shall be less than five hundred (500) in any month, the  
 18 auditor of state and treasurer of state shall credit the home with the  
 19 sum of twelve thousand dollars (\$12,000.00) for that month, and the  
 20 sum so credited shall be drawn from the state treasury in the same  
 21 manner and for the same purposes as the regular monthly per capita  
 22 allowance is drawn."

1     **SEC. 2. Asylums for insane.** That the law as it appears in section  
 2 two (2) chapter thirty-seven (37), acts of the thirty-eighth general  
 3 assembly (C. C. 2038) be and the same is hereby amended  
 4 by striking out of line eight (8) of said section the word "twenty-  
 5 four" and inserting in lieu thereof the word "twenty".

1     **SEC. 3. Training school for girls.** That the law as it appears in  
 2 section seven (7) chapter thirty-seven (37), acts of the thirty-eighth  
 3 general assembly (C. C. 2159) be and the same is hereby amended  
 4 by striking out of line twenty (20) of said section the words "two  
 5 hundred thirty", and inserting in lieu thereof the words "three hun-  
 6 dred twelve"; also by striking out of line twenty-two (22) of said  
 7 section the words "fifty-five hundred twenty" and inserting in lieu  
 8 thereof the words "seventy-five hundred".

1     **SEC. 4. Juvenile home.** That the law as it appears in section eleven  
 2 (11) chapter one hundred sixty-five (165), acts of the thirty-eighth  
 3 general assembly (C. C. 2469) be and the same is hereby amended by  
 4 striking out of line four (4) of said section the word "twenty-five"  
 5 and inserting in lieu thereof the word "twenty-four"; and by striking  
 6 out the figures "\$25.00" in said line four (4); also by striking out  
 7 of line twelve (12) of said section the words "three hundred and  
 8 sixty" and inserting in lieu thereof the words "two hundred and  
 9 ninety-two"; and by striking out the figures "(360)" in said line  
 10 twelve (12); also by striking out of line thirteen (13) of said section  
 11 the word "nine" and inserting in lieu thereof the word "seven" and  
 12 by striking out the figures "\$9,000" in line fourteen (14) of said  
 13 section.

1     **SEC. 5. County liability.** That the law as it appears in section  
 2 twelve (12) chapter one hundred sixty-five (165) acts of the thirty-  
 3 eighth general assembly (C. C. 2470) be and the same is hereby  
 4 amended by striking out of line five (5) the words and figures "three  
 5 hundred and sixty (360)" and inserting in lieu thereof the words  
 6 "two hundred ninety-two".

Approved March 29, A. D. 1923.

## CHAPTER 56

## TRAINING SCHOOL FOR GIRLS

H. F. 375

AN ACT to amend section two hundred fifty-four-a twenty-three (254-a23), supplement to the code, 1913, (C. C. Sec. 2103), relating to commitments to the training school for girls.

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

1 SECTION 1. **Period of commitment.** That the law as it appears in  
2 section two hundred fifty-four-a twenty-three (254-a23), supplement  
3 to the code, 1913, (C. C. Sec. 2103), be and the same is hereby  
4 amended by striking out of line twenty (20) of said section the  
5 words "beyond his or her minority" and inserting in lieu therefor  
6 the following, "for a term extending beyond the time he or she  
7 reaches the age of twenty-one years".

Approved March 29, A. D. 1923.

## CHAPTER 57

## WIDOW'S PENSION

H. F. 424

AN ACT to amend and revise section two hundred fifty-four-a20 (254-a20), supplement to the code, 1913, as amended by chapter one hundred seven (107), acts of the thirty-eighth (38) general assembly, chapter fifty-one (51), acts of the thirty-ninth (39) general assembly, and chapter two hundred fifty-two (252), acts of the thirty-ninth general assembly (S. C. C. Sec. 2104), relating to financial aid to widowed mothers of dependent or neglected children.

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

1 SECTION 1. **Financial aid to widowed mother.** That lines eleven  
2 (11) to twenty-four (24), both inclusive, of section twenty-one  
3 hundred four (2104), supplement to the compiled code, section two  
4 hundred fifty-four-a20 (254-a20) supplement to the code as amended  
5 by chapter one hundred seven (107) acts of the thirty-eighth general  
6 assembly, chapter fifty-one (51), acts of the thirty-ninth general  
7 assembly and chapter two hundred fifty-two (252) acts of the thirty-  
8 ninth general assembly be amended and revised to read as follows:  
9 "If the court finds that the mother of such dependent or neglected  
10 child is a widow and has been for more than one year preceding the  
11 filing of the application a resident of the county where aid is applied  
12 for, and if the court further finds that such mother is poor and  
13 unable to properly care for said child, but is otherwise a proper  
14 guardian, and that it is for the welfare of such child to remain at  
15 home, the court may enter an order finding such fact and fixing an  
16 amount of money necessary to enable such mother to properly care

17 for such child, not to exceed the sum of two dollars and fifty cents  
 18 (\$2.50) per week for each child under the age of sixteen (16) years;  
 19 provided, however, that no such allowance to a widowed mother  
 20 shall be made until after ten days' written notice of application for  
 21 such order shall have been given to the board of supervisors of the  
 22 county, during which time said board of supervisors may appear  
 23 and show cause why such order should not enter. Upon the allow-  
 24 ance of such application, it shall be the duty of the county board of  
 25 supervisors, through its overseer of the poor or otherwise, to pay to  
 26 such mother at such times as said order may designate, the amount  
 27 so specified for the care of such dependent or neglected child until  
 28 further order of the court. The amount to be paid for the care of  
 29 any such child shall not exceed the sum of two and 50/100 dollars  
 30 (\$2.50) per week. No such allowance shall be effective for more  
 31 than two years, but may be renewed by making application and  
 32 showing as hereinbefore provided for original application. All allow-  
 33 ances now in effect shall cease on December 31, 1923, unless renewed  
 34 as herein provided. No allowance shall be continued after the child  
 35 shall have attained the age of sixteen (16) years, or after the mother  
 36 has remarried or after she has acquired legal residence in another  
 37 county or after she has ceased to reside in the state.

Approved April 12, A. D. 1923.

## CHAPTER 58

### WOMEN'S REFORMATORY

S. F. 358

AN ACT to amend section twenty-seven hundred thirteen-n-seven (2713-n7), supplemental supplement to the code, 1915, (C. C. Sec. 2165), relating to commitments to women's reformatory.

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

1 SECTION 1. Females—when committed. That the law as it appears  
 2 in section twenty-seven hundred thirteen-n-seven (2713-n7), supple-  
 3 mental supplement to the code 1915, (C. C. Sec. 2165), relating to  
 4 commitments to Women's Reformatory, be, and the same is hereby  
 5 amended by inserting after the word "age" in the second line of said  
 6 section and before the ";" the words "or married females under  
 7 sixteen (16) years of age".

Approved February 24, A. D. 1923.

## CHAPTER 59

## STATE PENITENTIARY

## MEN'S REFORMATORY

H. F. 496

AN ACT to amend the law as it appears in chapter two hundred seven, acts of the thirty-eighth general assembly (C. C. Sec. 2189) relating to penitentiaries and men's reformatories.

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

1 SECTION 1. **Eight hours as day's work.** That chapter two hundred  
2 seven, acts of the thirty-eighth general assembly be and the same is  
3 hereby amended by adding after the period in line nineteen the fol-  
4 lowing:  
5 "Eight hours shall constitute a day's work for the receiving clerk,  
6 record clerk, all captains, turnkeys, and guards and for all necessary  
7 time in excess thereof shall be paid for at not less than pro rata pay."

Approved April 20, A. D. 1923.

## CHAPTER 60

## VOCATIONAL TRAINING

S. F. 614

AN ACT to amend chapter two hundred ninety (290), acts of the thirty-seventh general assembly, as amended by chapter three hundred thirty-seven (337), acts of the thirty-eighth general assembly (C. C. 2287 and S. C. C. 2291), relating to vocational education, and providing an appropriation therefor.

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

1 SECTION 1. **Repeal—federal aid.** Sections five (5) and five-a (5-a)  
2 of chapter two hundred ninety (290), acts of the thirty-seventh  
3 general assembly, being section (1) of chapter three hundred thirty-  
4 seven (337), acts of the thirty-eighth general assembly, are repealed  
5 and the following is enacted in lieu thereof:

6 "SEC. 5. In order to meet the requirements, that for each dollar  
7 of federal money expended for the salaries of teachers in approved  
8 schools, departments and classes, the local community must expend  
9 an amount equal to the amount of federal money which it receives  
10 for the same purpose for the same year."

1 SEC. 2. **Appropriation.** That section ten (10) of chapter two hun-  
2 dred ninety (290) of the acts of the thirty-seventh general assembly  
3 as amended by chapter three hundred thirty-seven (337) of the  
4 acts of the thirty-eighth general assembly and chapter two hundred  
5 ninety-six (296) of the acts of the thirty-ninth general assembly be

6 amended by striking out all of said section and inserting in lieu  
 7 thereof the following: "That such board is hereby authorized to  
 8 make such expenditure for the actual expenses of the board and of  
 9 such state advisory committee for vocational education incurred in  
 10 the discharge of their duties as herein provided, for the salaries of  
 11 assistants, and for such office and other expenses as in the judgment  
 12 of such board are necessary to the proper administration of this act;  
 13 and there is hereby appropriated out of any funds in the state  
 14 treasury not otherwise appropriated the sum of ten thousand  
 15 (\$10,000.00) dollars per annum for the purpose of paying such salary  
 16 and expenses of said board for vocational education mentioned in this  
 17 section."

Approved April 19, A. D. 1923.

## CHAPTER 61

### FEDERAL ACT IN RE MATERNITY AND INFANCY

H. F. 340

AN ACT to accept the provisions and the benefits of an act of congress, approved on the twenty-third day of November, nineteen hundred twenty-one, relating to appropriations to the several states for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes; to designate the state agency; to provide for the proper custody and administration of funds received by the state from such appropriations; and to make an appropriation therefor.

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

1 SECTION 1. **Acceptance of federal act.** That the State of Iowa,  
 2 through its legislature, hereby accepts the provisions of the Act of  
 3 Congress, enacted by the 67th Congress, approved November 23,  
 4 1921, and entitled, "An act for the promotion of the welfare and  
 5 hygiene of maternity and infancy, and for other purposes", other-  
 6 wise known as (Public—No. 97—67th Congress). (S. 1039.)

1 SEC. 2. **Acceptance of federal appropriation.** That the benefits of  
 2 all funds appropriated under the provisions of such act are hereby  
 3 accepted as provided in such act.

1 SEC. 3. **State agency.** That the state board of education is hereby  
 2 designated as the state agency, provided in such act; and the said  
 3 state board of education is charged with the duty and responsibility  
 4 of cooperating with the children's bureau of the United States de-  
 5 partment of labor in the administration of such act; and is given all  
 6 power necessary to such cooperation. The state university of Iowa  
 7 shall be in actual charge of the work done under this act.

1 SEC. 4. **Custodian of funds.** That the state treasurer is hereby  
 2 appointed as custodian of funds, for the promotion of the welfare and  
 3 hygiene of maternity and infancy as provided in such act; and he  
 4 is charged with the duty and responsibility of receiving and providing  
 5 for the proper custody and disbursement of vouchers drawn by such

6 state board of education, of moneys paid to the state from the appro-  
7 priations made under the provisions of such act, and of such funds as  
8 are appropriated by the state to secure such appropriations from the  
9 federal government.

1 **SEC. 5. Reports required.** That the state treasurer, as custodian  
2 of funds for the promotion of the welfare and hygiene of maternity  
3 and infancy, shall make to the general assembly, at each biennial  
4 session thereof, a report of the receipts and disbursements of moneys  
5 received by him under the provisions of such act; and such state  
6 board of education shall make to the general assembly, at each  
7 biennial session thereof, a report of its administration of such act.

1 **SEC. 6. Appropriation by state.** That there is hereby appropriated,  
2 out of the money in the state treasury not otherwise appropriated,  
3 the sum of twenty-one thousand, two hundred thirteen dollars and  
4 sixty cents (\$21,213.60), which shall be available immediately upon  
5 the passage of this act; and the sum of twenty-one thousand, two  
6 hundred thirteen dollars and sixty cents (\$21,213.60) annually here-  
7 after, beginning July 1, 1923, for the promotion of the welfare and  
8 hygiene of maternity and infancy, so long as the provisions of the  
9 act of congress named in section 1 of this act shall remain in force.

1 **SEC. 7. Power of officials—right of parents.** No official, agent, or  
2 representative of the division of maternity and infant hygiene shall  
3 by virtue of this act have any right to enter any home over the  
4 objection of the owner thereof, or to take charge of any child over  
5 the objection of the parents, or either of them, or of the person  
6 standing in loco parentis or having custody of such child. Nothing  
7 in this act shall be construed as limiting the power of a parent or  
8 guardian or person standing in loco parentis to determine what treat-  
9 ment or correction shall be provided for a child or the agency or  
10 agencies to be employed for such purpose.

1 **SEC. 8. Publication clause.** This act, being deemed of immediate  
2 importance, shall take effect and be in force from and after its pub-  
3 lication in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved April 2, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 4, 1923, and the Des Moines Capital April 4, 1923.

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



## CHAPTER 62

## STATE BOARD OF EDUCATION

H. F. 299

AN ACT providing for the letting of contracts by the state board of education.

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

1 SECTION 1. **Bids—plans and specifications—deposits.** When the  
 2 estimated cost of construction, repairs or improvement of buildings  
 3 or grounds under charge of the state board of education shall exceed  
 4 ten thousand dollars (\$10,000.00), the said board shall advertise for  
 5 bids for the contemplated improvement or construction and shall let  
 6 the work to the lowest responsible bidder, provided, however, if in  
 7 the judgment of the board bids received be not acceptable, the said  
 8 board may reject all bids and proceed with the construction, repair or  
 9 improvement by such method as the board may determine. All plans  
 10 and specifications for repairs or construction, together with bids  
 11 thereon shall be filed by the board and be open for public inspection.  
 12 All bids submitted under the provisions of this act shall be accom-  
 13 panied by a deposit of money or a certified check in such amount as  
 14 the board may prescribe.

Approved April 9, A. D. 1923.

## CHAPTER 63

## COLLEGE OF MEDICINE

S. F. 453

AN ACT to make an appropriation for the completion of the hospital and the plant of the college of medicine of the state university of Iowa and for the equipping of the same, under the direction of the Iowa state board of education.

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

1 SECTION 1. **Appropriation.** There is hereby appropriated, out of  
 2 any money in the state treasury not otherwise appropriated, to the  
 3 state university of Iowa, the sum of four hundred fifty thousand  
 4 dollars (\$450,000.00) annually for a period of five years, beginning  
 5 July 1, 1923, for the completion of the hospital and the plant of the  
 6 college of medicine, and for equipping the same, under the direction  
 7 of the Iowa state board of education.

1 SEC. 2. **Conditions.** The appropriation provided for in this act  
 2 is contingent upon the granting to the said state university of Iowa  
 3 of the amount of one million one hundred twenty-five thousand dollars  
 4 (\$1,125,000.00) by the general education board, and an equal sum  
 5 by the Rockefeller Foundation, for the purposes herein specified.

1    **SEC. 3. Direction, supervision, etc.** The construction, maintenance  
2 and operation of said hospital and plant of the college of medicine of  
3 the state university of Iowa shall be under the direction, supervision  
4 and control of the said Iowa state board of education.

1    **SEC. 4. Prohibition.** No employee of the said state university of  
2 Iowa shall receive any remuneration for services rendered in said  
3 hospital or plant of the college of medicine excepting that which may  
4 be determined, from time to time, by the said Iowa state board of edu-  
5 cation.

1    **SEC. 5. Availability of appropriation.** The appropriation provided  
2 for in this act shall be drawn on the order of the Iowa state board of  
3 education, beginning on July 1, 1923, and on July 1st of each of the  
4 four succeeding years.

Approved April 4, A. D. 1923.

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## CHAPTER 64

### EDUCATION

H. F. 352

AN ACT to provide for the training of teachers for the elementary schools in private colleges, under the direction of the state board of education, and making an appropriation therefor.

Note: Not approved. Filed with Secretary of State, May 8, 1923.

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## CHAPTER 65

### STATE ENTOMOLOGIST

S. F. 722

AN ACT to amend section two thousand five hundred seventy-five-a-forty-seven (2575-a47), supplement to the code, 1913, (C. C. 2425), and two thousand five hundred seventy-five-a-fifty-two (2575-a52), supplemental supplement to the code, 1915, (C. C. 2430), relating to the duties of the state entomologist, the quarantine of plant diseases, the eradication of harmful plants, and making an appropriation therefor.

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

1    **SECTION 1. Fees.** That section two thousand five hundred seventy-  
2 five-a forty-seven (2575-a 47), supplement to the code, 1913, (C. C.  
3 2425), be and the same is hereby amended by striking out the word  
4 "fifteen" as it appears in line thirteen (13) of said section and in-  
5 serting in lieu thereof the word "forty".

1    **SEC. 2. Appropriation.** That the law as it appears in section two  
2 thousand five hundred seventy-five-a fifty-two (2575-a 52), supple-

3 mental supplement to the code, 1915, (C. C. 2430), be and the same  
 4 is hereby amended by striking out of line six (6) of said section  
 5 the word "four" and substituting in lieu thereof the word "six".

Approved April 21, A. D. 1923.

## CHAPTER 66

### SCHOOLS AND SCHOOL DISTRICTS

S. F. 524

AN ACT to amend section two thousand seven hundred thirty-four-d (2734-d), supplement to the code, 1913 (C. C. 2482), relating to the issuance of teachers' certificates by the board of educational examiners.

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

1 SECTION 1. Substitution of subjects. Section two thousand seven  
 2 hundred thirty-four-d (2734-d), supplement to the code, 1913 (C. C.  
 3 2482), is hereby amended by adding the following: "Applicants who  
 4 have graduated from a four year course in an approved high school  
 5 may submit in lieu of the examination in any one or more of the  
 6 subjects of elementary algebra, political economy, elementary econo-  
 7 mics and elementary physics a showing that the applicant has done  
 8 work and earned satisfactory grades in the study of any one or more  
 9 of the subjects of rural school management, rural sociology, and rural  
 10 school methods, in any collegiate institution approved by the state  
 11 educational board of examiners for such purpose; but the study and  
 12 work done in each subject must be of college grade and cover a course  
 13 of not less than five hours per week for twelve weeks".

Approved April 21, A. D. 1923.

## CHAPTER 67

### SCHOOLS AND SCHOOL DISTRICTS

S. F. 272

AN ACT to repeal sections twenty-seven hundred fifty-seven (2757) supplemental supplement of 1915 to the code (C. C. Sec. 2548) and section twenty-seven hundred fifty-eight (2758) of the supplement of 1913 to the code (C. C. Sec. 2545) relating to organization of school boards, meetings of the directors, election of officers, reports of the secretaries and treasurers to the board, the qualifications of school officers, extension of the term in certain districts and providing for the filling of vacancies in office and enact a substitute therefor.

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

1 SECTION 1. Repeal. Section twenty-seven hundred fifty-seven  
 2 (2757) supplemental supplement of 1915 to the code (C. C. Sec. 2548)

3 and section twenty-seven hundred fifty-eight (2758) supplement of  
4 1913 to the code (C. C. Sec. 2545) are hereby repealed.

1     **SEC. 2. Directors—organization—meetings.** The board of directors  
2 of all school corporations shall organize on the third Monday in  
3 March. The organization shall be effected by the election of a presi-  
4 dent from the members of the board who shall be entitled to vote,  
5 as a member. Such meetings may be held as may be determined by  
6 the board or as may be called by the president or by the secretary,  
7 upon a written request of a majority of the members of the board,  
8 upon notice specifying the time and place, delivered to each member  
9 in person but attendance at a meeting shall be a waiver of notice.  
10 Such meetings may be held at any place within the civil township in  
11 which the corporation is situated.

1     **SEC. 3. Secretary and treasurer—election—settlement.** On the  
2 first secular day of July the board of each school corporation shall  
3 meet and shall examine the books and settle with the secretary and  
4 treasurer for the year ending June 30th preceding and for the  
5 transaction of such other business as may come before it. On the  
6 same day each school board, except in such school corporations as  
7 elect a treasurer at the regular school election in March, shall elect  
8 a treasurer from outside the board, and each school board shall elect  
9 a secretary from outside the board, but no teacher or other employee  
10 of the board shall be eligible as secretary. All officers shall be  
11 elected by ballot and the vote shall be recorded by the secretary.  
12 Should the secretary or treasurer fail to report, as provided by law,  
13 it shall be the duty of the board to take such action as may be neces-  
14 sary to secure proper settlement.

1     **SEC. 4. Qualification—oath—tenure.** Any member of the board  
2 or the county superintendent may administer the oath of qualifica-  
3 tions to any member-elect of the board, the president of the board,  
4 the secretary or the treasurer. Each director elected shall qualify  
5 on or before the date of the organization of the board of the cor-  
6 poration in which he is elected, by taking an oath to support the  
7 constitution of the United States and that of the state of Iowa and  
8 that he will faithfully discharge the duties of his office. Such person  
9 shall hold the office for the term for which he is elected and until  
10 a successor is elected and qualified. The term of office of such mem-  
11 bers of any school corporation as would expire on the first day of July  
12 is hereby extended to the third Monday in March following the ex-  
13 piration of the term for which such person has been elected. In case  
14 of a vacancy, the office shall be filled by appointment by the board  
15 until the next annual meeting.

1     **SEC. 5. Teachers—employment—power of board.** Any school  
2 board duly organized as provided by law, following the annual meet-  
3 ing in March may employ teachers for the entire school year be-  
4 ginning July first, following the date of its organization. School  
5 boards organized after July first and before the annual meeting in  
6 March may employ teachers as needed for the remaining portion of  
7 the current school year.

Approved March 21, A. D. 1923.

## CHAPTER 68

## SCHOOLS AND SCHOOL DISTRICTS

S. F. 700

AN ACT to provide for physical education and training in health in the public schools of this state.

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

1     **SECTION 1. Physical education.** On and after September 1, 1924,  
2 there shall be established and provided in all of the public elementary  
3 and secondary schools of this state, physical education, including  
4 effective health supervision and health instruction, of both sexes,  
5 and every pupil of school age attending such schools shall take the  
6 prescribed course or courses in physical education as herein provided.  
7     Modified courses of instruction shall be provided for those pupils  
8 physically or mentally unable to take the courses provided for normal  
9 children. Said subject shall be taught in the manner prescribed by  
10 the state superintendent of public instruction. This program of  
11 physical education shall occupy periods each week totalling not less  
12 than fifty (50) minutes, exclusive of recesses, throughout each and  
13 every school term. The conduct and attainment of the pupils shall be  
14 marked as in other subjects and shall form part of the requirements  
15 for promotion or graduation. Provided that no pupil shall be re-  
16 quired to take this instruction whose parents or guardian shall file  
17 a written statement with the school principal or teacher that such  
18 instruction conflicts with his or her religious belief.

1     **SEC. 2. In high schools and state institutions.** After September  
2 1, 1923, every high school, state college, university or normal school  
3 giving teacher training courses shall provide a course or courses in  
4 physical education.

1     **SEC. 3. Manual of instruction.** The state superintendent of public  
2 instruction is authorized to prepare or approve a manual on practical  
3 health training for the aid of teachers, and to distribute same.

Approved April 16, A. D. 1923.

## CHAPTER 69

## SCHOOLS AND SCHOOL DISTRICTS

H. F. 300

AN ACT to amend the law as it appears in chapter two hundred thirty-two (232) of the laws of the thirty-ninth (39th) general assembly (S. C. C. 2562-a1 and 2562-a2) relating to the financial statement of school boards.

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

1 SECTION 1. Receipts and Disbursements. That chapter two  
2 hundred thirty-two (232), acts of the thirty-ninth (39th) general  
3 assembly, be amended by striking out all of section one (1) of said  
4 chapter and inserting in lieu thereof the following: "In each con-  
5 solidated district and in each independent city, or town school district  
6 the board shall during the first week of July of each year publish by  
7 one insertion in at least one newspaper, if there is a newspaper pub-  
8 lished in said district, a summarized statement verified by affidavit  
9 of the secretary of the board showing the receipts and disbursements  
10 of all funds for the preceding school year, the statement of disburse-  
11 ments to show the names of the person, firm or corporation and the  
12 total amount paid to each during the school year."

1 SEC. 2. Financial statement. That chapter two hundred thirty-  
2 two (232), acts of the thirty-ninth (39th) general assembly, be  
3 amended by striking out the word "A" in line six (6) of section two  
4 (2) and inserting in lieu thereof the word "An", and by striking out  
5 the word "detailed" in line six (6) of section two (2).

Approved March 23, A. D. 1923.

## CHAPTER 70

## SCHOOLS AND SCHOOL DISTRICTS

H. F. 295

AN ACT to amend section twenty-eight hundred four-b (2804-b), supplement to the code, 1913, (C. C. 2628) relating to services for raising the flag at schoolhouses.

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

1 SECTION 1. Flag observance. That section twenty-eight hundred  
2 four-b (2804-b), supplement to the code, 1913, be and the same is  
3 hereby amended by striking from line four the word "may" and  
4 inserting the word "shall" in lieu thereof.

Approved April 17, A. D. 1923.

## CHAPTER 71

## INSTRUCTION OF DEAF

H. F. 354

AN ACT to amend the law as it appears in section two (2) of chapter three hundred eight (308), acts of the thirty-seventh general assembly (S. C. C. Sec. 2630) as amended by chapter ninety-eight (98) acts of the thirty-ninth (39) general assembly, relating to the education of deaf children.

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

1 SECTION 1. State aid. That the law as it appears in section two (2)  
2 of chapter three hundred eight (308) acts of the thirty-seventh (37)  
3 general assembly, (S. C. C. 2630) as amended by chapter ninety-eight  
4 (98) acts of the thirty-ninth (39) general assembly, be and the  
5 same is hereby amended by striking out the word "ten" in line five  
6 (5) of said section and substituting therefor the word "twelve".

1 SEC. 2. Publication clause. This act being deemed of immediate  
2 importance shall take effect and be in force from and after its pub-  
3 lication in the Des Moines Register and Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved March 28, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital March 30, 1923 and the Des Moines Register March 31, 1923.

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

## CHAPTER 72

## SCHOOLS AND SCHOOL DISTRICTS

H. F. 421

AN ACT to amend section twenty-seven hundred seventy-three (2773) supplement to the code, 1913, as amended by chapter 160, acts of the 38th general assembly (C. C. Sec. 2639) relating to the conditions under which certain school corporations may charge tuition.

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

1 SECTION 1. Tuition. Section twenty-seven hundred seventy-three  
2 (2773) supplement to the code, 1913, as amended by chapter 160,  
3 acts of the 38th general assembly is hereby amended by striking  
4 out the period at the end of section 1, chapter 160, acts of the 38th  
5 general assembly and inserting a "comma" (,) and adding the fol-  
6 lowing words:  
7 "and in any school corporation maintaining a school of a higher  
8 order the board shall require the payment of an adequate tuition fee  
9 for persons who have completed a four-year course in an approved  
10 high school or its equivalent. Such fees shall be fixed at such an

11 amount as will fully cover the cost of maintenance of such school of  
12 a higher order.”

1     **SEC. 2. Applicability of act.** This act shall not apply to any school  
2 corporation of less than twenty thousand (20,000) population nor to  
3 one having within its boundaries any other institution of learning  
4 of a higher order than that of an approved four-year high school  
5 course.

Approved April 10, A. D. 1923.

## CHAPTER 73

### SCHOOLS AND SCHOOL DISTRICTS

H. F. 690

AN ACT to amend the law as it appears in section two thousand seven hundred seventy-three (2773), supplement to the code, 1913, as amended by chapters twenty-four (24), one hundred forty-three (143), one hundred sixty (160), acts of the thirty-eighth general assembly (C. C. 2639), relating to the transportation of pupils in school districts.

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

1     **SECTION 1. Transportation of pupils.** That the law as it appears  
2 in section two thousand seven hundred seventy-three (2773) of the  
3 supplement to the code, 1913, as amended by chapters twenty-four  
4 (24), one hundred forty-three (143), and one hundred sixty (160),  
5 acts of the thirty-eighth general assembly (C. C. 2639), be and the  
6 same is hereby amended by striking out of line eleven (11) of section  
7 two (2) of chapter one hundred forty-three (143), acts of the thirty-  
8 eighth general assembly the words “one and a half” and substituting  
9 in lieu thereof the word “two”.

Approved April 20, A. D. 1923.

## CHAPTER 74

### SCHOOLS AND SCHOOL DISTRICTS

H. F. 695

AN ACT to amend section twenty-eight hundred fifteen (2815) of the code, as amended by chapter twenty-six (26), section two (2), acts of the thirty-seventh general assembly (C. C. 2642), relating to condemnation of land for school purposes.

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

1     **SECTION 1. Appraisers—appointment.** That section twenty-eight  
2 hundred fifteen (2815) of the code, as amended by chapter twenty-  
3 six (26), section two (2), acts of the thirty-seventh general assem-



4 bly (C. C. 2642), be and the same is hereby amended by striking out  
 5 of line twelve (12) thereof the words "appoint three freeholders of  
 6 said county; not" and inserting in lieu thereof the following: "appoint  
 7 one freeholder of said county, the owner or in case of inability to  
 8 find such owner, the county auditor shall appoint one freeholder and  
 9 these two shall select a third freeholder, none of whom shall be".

Approved April 20, A. D. 1923.

## CHAPTER 75

### TAXATION

S. F. 443

AN ACT to amend section one thousand three hundred three (1303), supplemental supplement to the code, 1915, as amended by chapter six (6), acts of the thirty-seventh general assembly and chapters two hundred thirty-seven (237) and three hundred fifty-five (355), acts of the thirty-eighth general assembly (C. C. 4624) relating to levy for ordinary county revenue.

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

1 SECTION 1. **General county levy.** That paragraph two (2) of section  
 2 tion one thousand three hundred three (1303), supplemental supplement  
 3 ment to the code 1915, as amended by section one (1), chapter  
 4 six (6), acts of the thirty-seventh general assembly, also by section  
 5 fifty-four (54), chapter two hundred thirty-seven (237), acts of the  
 6 thirty-eighth general assembly and by section one (1), chapter three  
 7 hundred fifty-five (355), acts of the thirty-eighth general assembly  
 8 (C. C. 4624), be amended by striking out all of said paragraph two  
 9 (2) down to and including the word "rate" in line nine (9) and in-  
 10 serting in lieu thereof the following:

11 "2. For ordinary county revenue, not to exceed six (6) mills on a  
 12 dollar, with a poll tax of fifty cents on each male resident over twenty-  
 13 one years of age."

Approved April 16, A. D. 1923.

## CHAPTER 76

### SCHOOLS AND SCHOOL DISTRICTS

H. F. 380

AN ACT to amend section twenty-eight hundred twelve-d (2812-d), supplement to the code, 1913, (C. C. 2660), relating to school building bonds.

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

1 SECTION 1. **School building bonds.** That section twenty-eight hun-  
 2 dred twelve-d (2812-d), supplement to the code, 1913, (C. C. Sec.

3 2660), be and the same is hereby amended by striking the comma  
 4 following the word "schoolhouse" in lines two and three and inserting  
 5 the words, "or schoolhouses".

Approved March 15, 1923.

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## CHAPTER 77

### SCHOOL BONDS

H. F. 368

AN ACT to amend section two thousand eight hundred twelve-e (2812-e) of the supplemental supplement to the code, 1915 (C. C. 2661) as amended by chapter six (6) acts of the thirty-ninth general assembly relating to school funding, refunding, and building bonds.

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

1 SECTION 1. **Repeal.** That section two thousand eight hundred  
 2 twelve-e (2812-e) of the supplemental supplement to the code of  
 3 Iowa, 1915 (C. C. 2661) as amended by chapter six (6) acts of the  
 4 thirty-ninth general assembly be and the same is hereby amended  
 5 by striking out of said section all that part of the same that was  
 6 added thereto by the enactment of chapter six (6) acts of the thirty-  
 7 ninth general assembly.

1 SEC. 2. **Vested rights.** This repeal shall not affect any right which  
 2 has, under said chapter six (6), acts thirty-ninth (39) general assem-  
 3 bly, accrued prior to January first (1st), nineteen hundred twenty-  
 4 three (1923), to the holder of bonds or to the district issuing the  
 5 same.

Approved March 8, A. D. 1923.

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## CHAPTER 78

### SCHOOL FOR THE DEAF

S. F. 461

AN ACT to repeal section two (2), chapter one hundred twenty (120), acts of the thirty-eighth general assembly (C. C. 2676) relating to the attendance of deaf and blind children at state schools, and to enact a substitute therefor.

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

1 SECTION 1. **Compulsory attendance.** That the law as it appears  
 2 in section two (2), chapter one hundred twenty (120), acts of the  
 3 thirty-eighth general assembly, be and the same is hereby repealed  
 4 and the following enacted in lieu thereof:

5 "It is hereby made the duty of any person having such a child  
6 under his control or custody to see that such child attends such school  
7 during the scholastic year. Upon the failure of any person having  
8 the custody and control of such child to require its attendance as  
9 herein provided, the state board of education may make application  
10 to the juvenile or district court of the county in which such person  
11 resides for an order requiring such person to compel the attendance  
12 of such child at the proper state institution. If, upon hearing, the  
13 court determines that the person required to appear has the custody  
14 and control of a child who should be required to attend a state school  
15 under the provisions of this act, the court shall make an order re-  
16 quiring such person to keep such child in attendance at such school.  
17 A failure to comply with the order of the court shall subject the per-  
18 son against whom the order is made to punishment the same as in  
19 ordinary contempt cases."

Approved April 21, A. D. 1923.

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## CHAPTER 79

### BIRD DAY

H. F. 757

AN ACT to designate and set apart the twenty-first day of March as Bird Day and to provide for the observance of the same in public schools.

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

1 SECTION 1. Bird day—observance. The twenty-first day of March  
2 of each year is hereby set apart and designated as Bird Day. It  
3 shall be the duty of all public schools to observe said day by devoting  
4 a part thereof to a special study of birds, their habits, usefulness  
5 and the best means of protection. Should such date fall on other  
6 than a school day, such day shall be observed on the next regular  
7 school day.

Approved April 20, A. D. 1923.

## CHAPTER 80

## HIGHWAYS

S. F. 338

AN ACT to amend the law as it appears in section four hundred twenty-eight (428) of the code of eighteen hundred ninety-seven (1897) (C. C. Sec. 2827) relating to the powers of the board of supervisors.

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

1     **SECTION 1. Appraisers—notice.** That the law as it appears in sec-  
2 tion four hundred twenty-eight (428) of the code of eighteen hundred  
3 ninety-seven (1897) (C. C. Sec. 2827) be, and the same is, hereby  
4 amended by striking out therefrom commencing with the word, "the"  
5 in line two (2) and ending with the word, "appraisers," in line three  
6 (3) thereof, and to substitute therefor: "if for any reason, the board  
7 is unable to acquire such highway by agreement with the owner or  
8 owners, such owner or owners who are residents of the county shall  
9 be personally served in the manner original notices are required to be  
10 served, and such owner or owners who do not reside in said county  
11 shall be served by publishing a notice in some newspaper in the  
12 county, once each week for two weeks, but personal service outside  
13 of the county but within the state in the manner original notices  
14 are required to be served, shall be deemed personal service and shall  
15 take the place of published service, and in addition, notice shall be  
16 served in the manner original notices are required to be served upon  
17 the actual occupant of the land, if said land be occupied, the service  
18 in any case to be completed at least five (5) days prior to the date  
19 fixed in said notice, notifying interested parties that three disin-  
20 terested freeholders will be selected as appraisers, one by the board  
21 of supervisors, one by the owner or owners of the property affected,  
22 where there are two or more tracts affected, and one by the two so  
23 appointed, said notice to fix a definite date upon which the interested  
24 party or parties shall appear and name one appraiser, and in the event  
25 said owner or owners fail to appear, in person or by agent, or fail to  
26 agree upon the selection of an appraiser, the board of supervisors may  
27 appoint two of such appraisers who shall select a third appraiser".

Approved April 16, A. D. 1923.

## CHAPTER 81

## HIGHWAYS

S. F. 337

AN ACT to repeal section fifteen hundred twenty-seven-r two (1527-r2) of the supplemental supplement to the code, 1915, (C. C. 2829), relating to the establishment of roads, and to enact a substitute therefor.

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

1 SECTION 1. **Condemnation—procedure.** To repeal section fifteen  
 2 hundred twenty-seven-r2 (1527-r2) of the supplemental supplement  
 3 to the code, 1915, (C. C. 2829) and by enacting in lieu thereof the  
 4 following: "If for any reason, the board is unable to acquire such  
 5 highway by agreement with the owner or owners, such owner or  
 6 owners who are residents of the county shall be personally served in  
 7 the manner original notices are required to be served, and such owner  
 8 or owners who do not reside in said county shall be served by pub-  
 9 lishing a notice in some newspaper in the county, once each week for  
 10 two weeks, but personal service outside of the county but within the  
 11 state in the manner original notices are required to be served, shall be  
 12 deemed personal service and shall take the place of published service,  
 13 and in addition, notice shall be served in the manner original notices  
 14 are required to be served upon the actual occupant of the land, if said  
 15 land be occupied, notifying interested parties that three disinterested  
 16 freeholders will be selected as appraisers, one by the board of super-  
 17 visors, one by the owner or owners of the property affected, where  
 18 there are two or more tracts affected, and one by the two so appointed,  
 19 said notice to fix a definite date upon which the interested party or  
 20 parties may appear and name one appraiser, and in the event said  
 21 owner or owners fail to appear, in person or by agent, or fail to agree  
 22 upon the selection of an appraiser, the board of supervisors may ap-  
 23 point two of such appraisers who shall select a third appraiser, and  
 24 such appraisers shall make a return of their doings within ten (10)  
 25 days to the county auditor, and the board shall fix a day for a hearing,  
 26 at which time it will consider the report of the appraisers and hear all  
 27 objections to said change and claims for damages, and at which time  
 28 it will determine all damages to each claimant by reason of such pro-  
 29 posed change, and notice of such hearing shall be given to all inter-  
 30 ested parties in the manner as hereinbefore provided. The board, if  
 31 it so desires, may fix dates for appointing appraisers and considera-  
 32 tion of their report, objections and claims for damages in one notice."

Approved March 20, A. D. 1923.

## CHAPTER 82

## COUNTY ENGINEER

H. F. 279

AN ACT to amend title eight (8), chapter one-A (1-A), section fifteen hundred twenty-seven-s three (1527-s3), supplemental supplement to the code, 1915 (C. C. 2872), relating to the duties of the board of supervisors in the employment of a county engineer.

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

1 SECTION 1. Discretion in employment of engineer. That title eight  
2 (8), chapter one-A (1-A), section fifteen hundred twenty-seven-s  
3 three (1527-s3), supplemental supplement to the code, 1915 (C. C.  
4 2872), be and the same is hereby amended by striking out the word  
5 "shall" in line four (4) of said section, and inserting in lieu thereof  
6 the words "at their discretion may".

1 SEC. 2. Repeal clause. All acts or parts of acts not in accordance  
2 with the terms of this act are hereby repealed.

Approved March 9, A. D. 1923.

## CHAPTER 83

## HIGHWAYS

H. F. 427

AN ACT requiring counties to give the preference to certain roads in establishing the primary road system of the county.

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

1 SECTION 1. Addition of roads. That the law as it appears in sec-  
2 tion three (3) of chapter two hundred thirty-seven (237) of the acts  
3 of the thirty-eighth general assembly (C. C. Sec. 2911) be and the  
4 same is hereby amended by inserting in line sixteen (16) following  
5 the word "to" the words "cities, towns, villages,".

Approved April 10, A. D. 1923.

## CHAPTER 84

## HIGHWAYS

H. F. 269

AN ACT to repeal section four (4), chapter two hundred thirty-seven (237) acts of the thirty-eighth general assembly (38th general assembly) as amended by chapter twenty (20) acts of the thirty-ninth general assembly (S. C. C. 2912) and enact a substitute therefor, and to amend section six (6) of said chapter as amended by chapter twenty (20), acts of thirty-ninth general assembly (S. C. C. 2914), relating to the construction, improvement and maintenance of highways, and to transfer funds from the primary road fund to other funds in certain cases.

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

1 SECTION 1. Primary road fund. That section four (4) of chapter  
2 two hundred thirty-seven (237) acts of the thirty-eighth general  
3 assembly as amended by chapter twenty (20), acts of the thirty-ninth  
4 general assembly be and the same is hereby repealed and the following  
5 enacted in lieu thereof:

6 There is hereby created a fund which shall be known as the primary  
7 road fund, which shall embrace the federal-county-cooperation road  
8 fund as created by chapter two hundred forty-nine (249) acts of  
9 the thirty-seventh general assembly, all additional and future federal  
10 aid road funds, and all other funds derived from year to year by the  
11 state under acts regulatory of motor vehicles, commencing with and  
12 including fees for the year 1920, except such portion of said motor  
13 vehicles fund as may be necessary to maintain the federal aid engi-  
14 neering fund, and as may, by law, be retained in the state treasury  
15 as a maintenance fund for the state highway commission, or as a fund  
16 to cover administration of the motor vehicle department. Said  
17 primary road fund shall be apportioned to the respective counties in  
18 the ratio that the area of the county bears to the total area of the  
19 state, and shall be used in the establishment, construction and main-  
20 tenance of the primary road system, including the drainage, grading,  
21 surfacing, construction of bridges and culverts, the elimination or  
22 improvement of railroad crossings, the purchase of additional right  
23 of way and the damages incident thereto, connected with the estab-  
24 lishment, construction and maintenance of the primary road system.  
25 Where additional right of way for primary road system has been  
26 taken in any county and paid for out of other funds since chapter two  
27 hundred thirty-seven (237) acts of the thirty-eighth general assem-  
28 bly has been in effect, the board of supervisors of such county is  
29 authorized to transfer from the primary road fund to such other  
30 fund the amount expended for such right of way. The portion of said  
31 fund apportioned to each county as above provided is hereby pledged  
32 to the completion of said primary system and is dedicated by the  
33 state to the county to be used for the payment of costs in establish-  
34 ment, improvement or maintenance thereof and for the redemption of  
35 any bonds issued therefor as in this chapter provided. For the pur-  
36 pose of administration, apportionment to any county may be made  
37 up partly from federal aid road allotments. Nothing herein con-  
38 tained shall be construed as precluding the board of supervisors from  
39 paying for the construction and maintenance of bridges and culverts  
40 on the primary road system from the county bridge fund.

1    **SEC. 2. County expenditures of allotments.** That section six (6)  
 2 of chapter two hundred thirty-seven (237), acts of the thirty-eighth  
 3 general assembly as amended by chapter twenty (20), acts of the  
 4 thirty-ninth general assembly, be and the same is hereby amended  
 5 by striking out lines four (4), five (5), and six (6) of said section  
 6 and substituting in lieu thereof, the following:  
 7    "First, it may elect to acquire additional right of way where neces-  
 8 sary and complete the grading and construction of bridges and cul-  
 9 verts and drainage in any part or all of the primary roads within  
 10 the county before laying any hard surfacing; or"

1    **SEC. 3.** This act being deemed of immediate importance shall be  
 2 in full force and effect from and after its publication in the Des  
 3 Moines Register and the Des Moines Capital, newspapers published in  
 4 Des Moines, Iowa.

Approved March 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 March 20, 1923, and the Des Moines Register March 21, 1923.

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

## CHAPTER 85

### HIGHWAYS

H. F. 307

AN ACT to amend sections 13, 14, 17, 18, and 36 of chapter 237 of the acts of the 38th  
 general assembly (C. C. 2921, 2922, 2925, 2926 and 2944), and acts amendatory there-  
 to, relating to the amount of assessment that may be levied against abutting and  
 adjacent property for the hard surfacing of a primary road, and providing for the  
 refund of assessments heretofore paid.

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

1    **SECTION 1. Payments from county's allotment.** That section 13  
 2 of chapter 237 of the acts of the 38th general assembly be and the  
 3 same is hereby amended by striking from line 5 of said section the  
 4 word, seventy-five, and inserting in lieu thereof the words, eighty-  
 5 seven and one-half.

1    **SEC. 2. Apportionment reduced.** That section 14 of chapter 237  
 2 of the acts of the 38th general assembly be and the same is hereby  
 3 amended by striking from line 21 of said section the word, twenty-five,  
 4 and inserting in lieu thereof the words, twelve and one-half.

1    **SEC. 3. Assessment reduced.** That section 17 of chapter 237 of  
 2 the acts of the 38th general assembly be and the same is hereby  
 3 amended by striking from line 2 of said section the word, one-fourth,  
 4 and inserting in lieu thereof the word, one-eighth.

1    **SEC. 4. Assessment reduced.** That section 18 of chapter 237 of  
 2 the acts of the 38th general assembly be and the same is hereby  
 3 amended by striking out from line 2 of said section the word, twenty-



4 five, and inserting in lieu thereof the words, twelve and one-half;  
5 and by striking from line 10 of said section the word, four, and in-  
6 serting in lieu thereof the word, two; and by striking from line 11 of  
7 said section the word, twenty-five, and inserting in lieu thereof the  
8 words, twelve and one-half; and by striking from line 12 of said  
9 section the word, four, and inserting in lieu thereof the word, two.

1 **SEC. 5. Cost assessable.** That section 36 of chapter 237 of the  
2 acts of the 38th general assembly be and the same is hereby amended  
3 by striking from line 67 of said section the word, seventy-five, and  
4 inserting in lieu thereof the words, eighty-seven and one-half; and by  
5 striking from line 69 of said section the word, seventy-five, and in-  
6 serting in lieu thereof the words, eighty-seven and one-half.

1 **SEC. 6. Refund.** In all cases where assessments of 25% for hard  
2 surfacing have heretofore been levied against adjoining property  
3 under the provisions of chapter two hundred thirty-seven (237) of  
4 the 38th general assembly and amendments thereto, and such assess-  
5 ments have either been paid or certificates issued to cover deferred  
6 installments, all of the same over and above 12½ per cent shall be  
7 refunded to such parties out of the motor vehicle portion of the  
8 primary fund allotment to the counties in which such levies were made  
9 or out of the funds arising from the sale of primary road bonds or  
10 other bonds voted by such counties.

11 The board of supervisors may determine whether such refund shall  
12 be made in one sum or in annual installments not exceeding ten and  
13 in no case shall interest be allowed on the amounts so refunded.

14 In case of sale of such adjoining lands prior to making such refund  
15 and such assessments have not been paid in full, the same shall be  
16 paid to the parties interested in proportion to the amount paid or  
17 assumed by them respectively or as may be agreed between such  
18 parties at the time such refund is made.

1 **SEC. 7. Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect after its publication in  
3 the Des Moines Daily News and the Plain Talk, newspapers published  
4 in the city of Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News April  
20, 1923, and the Plain Talk April 26, 1923.

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

## CHAPTER 86

## HIGHWAYS

H. F. 634

AN ACT to amend section fourteen (14), chapter two hundred thirty-seven (237), acts of the thirty-eighth general assembly, (C. C. 2922), relating to the construction, improvement and maintenance of highways.

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

1 SECTION 1. **Notice of apportionment—service.** Amend section four-  
2 teen (14) of chapter two hundred thirty-seven (237), acts of the  
3 thirty-eighth general assembly, (C. C. 2922), by inserting after the  
4 word "served" in line thirty-five (35), the following: "by publication  
5 as hereinafter provided."

6 Amend section fourteen (14) of chapter two hundred thirty-seven  
7 (237), acts of the thirty-eighth general assembly, (C. C. 2922), by  
8 inserting after the word "be" in line fifty-two (52), the following:  
9 "served by having the same".

Approved April 20, A. D. 1923.

## CHAPTER 87

## HIGHWAYS

H. F. 268

AN ACT to repeal section thirty-five (35) of chapter two hundred thirty-seven (237) acts of the thirty-eighth general assembly (S. C. C. 2943) as amended by chapters fifty-six (56) and one hundred four (104) acts of the thirty-ninth general assembly relating to the primary road system and to enact a substitute therefor.

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

1 SECTION 1. **Improvement within cities and towns.** That section  
2 thirty-five (35) of chapter two hundred thirty-seven (237) acts of the  
3 thirty-eighth general assembly (S. C. C. 2943) as amended by chap-  
4 ters fifty-six (56) and one hundred four (104) acts of the thirty-  
5 ninth general assembly be and the same is hereby repealed and the  
6 following enacted in lieu thereof: "The board of supervisors is hereby  
7 given plenary jurisdiction subject to the approval of the council to  
8 purchase or condemn right of way therefor and grade, drain, gravel,  
9 or hard surface any road or street which is a continuation of the  
10 primary road system of the county, within any town or within any  
11 city including special charter commission plan and manager plan  
12 cities having a population of less than twenty-five hundred (2500),  
13 and to make said hard surfacing the same width within the town as  
14 the hard surfacing outside of the town on the primary road system,  
15 but no hard surfacing shall be done except as authorized by a vote of  
16 the electors of the county.

17 After the completion of such improvement the same shall be main-  
18 tained by the city or town and such city or town shall rest under  
19 the same obligation of care as to such improvements as is now pro-  
20 vided by law for roads and streets generally.

21 Any such city or town through its council and each county of the  
22 state through its board of supervisors are hereby authorized to enter  
23 into written agreements subject to the approval of the state highway  
24 commission to determine the location of such improvements within  
25 such cities or towns. In case of disagreement the matter shall be  
26 referred to the state highway commission, whose decision shall be  
27 final. The board of supervisors shall not drain, grade, gravel or  
28 hard surface any highway within the limits of cities other than those  
29 specified herein.

1 **SEC. 2. Condemnation of lands.** In the improvement of extensions  
2 of the primary road system within cities or towns hereunder, the  
3 board of supervisors shall have power to purchase or condemn the  
4 necessary right of way therefor, and such condemnation proceedings  
5 shall be under the same laws as now apply to the condemnation of  
6 right of way for roads outside of cities and towns on primary roads.

1 **SEC. 3. Publication.** This act being deemed of immediate im-  
2 portance shall be in full force and effect from and after its publication  
3 in the Des Moines Register and Des Moines Capital, newspapers pub-  
4 lished in Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 88

### HIGHWAYS

H. F. 437

AN ACT to amend section thirty-five (35), chapter two hundred thirty-seven (237) laws  
of the thirty-eighth (38th) general assembly (S. C. C. 2943) as amended by chapter  
fifty-six (56), laws of the thirty-ninth (39th) general assembly, relating to the  
construction, improvement and maintenance of highways within towns on the pri-  
mary road system.

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

1 **SECTION 1. Application for improvement—hearing—appeal.** That  
2 section thirty-five (35), chapter two hundred thirty-seven (237) laws  
3 of the thirty-eighth (38th) general assembly, (S. C. C. 2943), as  
4 amended by chapter fifty-six (56) laws of the thirty-ninth (39th)  
5 general assembly, be and the same is hereby amended by adding at  
6 the end of said section the following:

7 "Any town, through its council, may by resolution, make application  
8 to the board of supervisors of its county for the grading, draining,  
9 graveling, or hard surfacing of any road or street in said town or along

10 its limits, which is a continuation of the primary road system of the  
11 county, by filing the resolution making application therefor with the  
12 county auditor.

13 The board of supervisors shall examine said application and shall  
14 within thirty days after the filing thereof with the county auditor  
15 take action thereon. The board may approve said application in whole  
16 or in part or may wholly reject the same, whereupon the resolution,  
17 together with a record of the board's action thereon, shall be for-  
18 warded to the state highway commission for final review.

19 The state highway commission shall examine said resolution and  
20 the action of the board thereon, and shall within thirty days make  
21 final determination thereof. It may approve the application in whole  
22 or in part or may wholly reject the same. The town council and the  
23 board of supervisors shall be immediately notified of the action taken.

24 The provisions of section six (6) of chapter two hundred thirty-  
25 seven (237), acts of the thirty-eighth (38) general assembly (S. C. C.  
26 2914) relative to voting on the question of hard surfacing the primary  
27 roads shall not apply to improvements made hereunder. Provided,  
28 that in counties which have not authorized the hard surfacing of the  
29 primary roads, and in which the said primary roads have not all been  
30 built to finished grade and drained, the state highway commission  
31 shall give preference to such grading and draining projects, and not  
32 to exceed twenty (20) per cent of the annual allotment of the primary  
33 road funds may be spent on projects within towns hereunder."

1 **SEC. 2. Publication clause.** This act, being deemed of immediate  
2 importance, shall be in full force and effect from and after its publi-  
3 cation in the Des Moines Capital and the Des Moines Register, news-  
4 papers published in the city of Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 21, 1923, and the Des Moines Register April 21, 1923.

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

## CHAPTER 89

### HIGHWAYS

H. F. 400

AN ACT to amend section 39, of chapter 237 of the laws of the thirty-eighth general  
assembly (C. C. 2947) authorizing the board of supervisors to use a part of the  
primary road fund for the purpose of improving the secondary roads of the county.

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

1 **SECTION 1. Repeal.** The first eight lines and the word "act" in  
2 line 9 of section 39, of chapter 237, of the laws of the 38th general  
3 assembly, is hereby repealed and the following enacted in lieu thereof:

1 **SEC. 2. Use of primary road fund.** After the primary road system  
2 as now constituted, or as it may hereafter be constituted in any

3 county, by authorized modification, is fully improved by grading,  
4 draining and graveling or other surfacing approved by the highway  
5 commission the state highway commission shall each year appropriate  
6 from said county's allotment of the primary road fund a sufficient  
7 amount,

8 (a) To pay the cost of maintaining the primary road system of said  
9 county during said year,

10 (b) To pay the interest and maturing principal of certificates, if  
11 any, issued by said county in anticipation of said county's allotments  
12 of the primary road fund, and

13 (c) To pay the interest and maturing principal of primary road  
14 bonds, if any, issued in anticipation of said county's allotment of the  
15 primary road fund.

16 All funds remaining in said county's allotment of the primary road  
17 fund, after the above amounts have been set aside, are hereby made  
18 available for the grading, draining or graveling of secondary roads  
19 in said county which connect with, or form laterals, or feeders to the  
20 primary roads of said county.

1 **SEC. 3. Secondary road projects.** The procedure by the county  
2 board in the initiation of secondary road projects as herein specified,  
3 the approval of said projects by the state highway commission, the  
4 letting and approval of contracts for the construction work and the  
5 payment of claims therefor, shall be the same as provided in chapter  
6 237, of the laws of the 38th general assembly for projects on the  
7 primary road system. The surveys and plans for such secondary road  
8 projects shall be made by the county engineer, and shall be approved  
9 by the state highway commission before the contracts are let. The  
10 county engineer shall supervise the construction work. The state  
11 highway commission may make general inspection of such construc-  
12 tion work, and may refuse to approve claims for any such work which  
13 is found to not conform to the plans and specifications.

1 **SEC. 4. Interpretative clause.** Nothing herein contained shall be  
2 so construed as to preclude the county board from using any or all  
3 of such excess primary road funds in any year on the primary road  
4 system.

1 **SEC. 5. Compilation.** That part of section 39, chapter 237, laws  
2 of the 38th general assembly, not hereby repealed, shall be a part of  
3 section 39 and be renumbered as a sub-section under this amendment.

Approved April 12, A. D. 1923.

## CHAPTER 90

## HIGHWAYS

H. F. 353

AN ACT to amend chapter two hundred thirty-seven (237), acts of the thirty-eighth general assembly, (C. C. chapter 7 title XI) as amended, relating to the construction, improvement and maintenance of highways and providing for the surfacing of roads belonging to secondary road system within cities and towns.

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

1 SECTION 1. Including city or town roads. That the law as it ap-  
2 pears in chapter two hundred thirty-seven (237) of the acts of the  
3 thirty-eighth general assembly (C. C. Chapter 7, title XI) as amended,  
4 be and the same is hereby amended by adding to said chapter the  
5 following:

6 "Whenever in any city including cities under special charter, or  
7 town having a population of thirty-five hundred (3500) or less there  
8 is a road or street which is a continuation or an extension of a  
9 secondary road adjacent to lands used for agricultural or horticultural  
10 purposes as described in section 3485 of the compiled code, which the  
11 board of supervisors is desirous of improving by hard surfacing or  
12 graveling under the law governing the improvement of secondary  
13 roads, the council of such city or town and the county board of super-  
14 visors are hereby authorized to include by resolution within such  
15 secondary road project such portion of such road in said city or town  
16 as may be located as provided herein, and to assess such lands within  
17 the zone of benefit assessments upon the same basis and in the same  
18 manner as provided by law relating to the levy of benefit assessments  
19 upon the secondary road system outside the limits of cities and  
20 towns."

Approved April 2, A. D. 1923.

## CHAPTER 91

## HIGHWAYS

H. F. 522

AN ACT to authorize the state highway commission or boards of supervisors to order the removal of billboards and signs which obstruct the view of the public highways in such manner as to render the use of such highways dangerous, and to provide penalties for violations of the provisions of the act.

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

1 SECTION 1. Billboards—removal—costs. The state highway com-  
2 mission or board of supervisors shall have power outside of cities and  
3 towns to order any billboards or advertising sign removed, whether  
4 it be constructed or erected on public or private property, if such

5 billboard or sign obstructs the view to any portion of a public high-  
6 way or a railroad track in such manner as to render dangerous the  
7 use of a public highway by the public.

8 Whenever the state highway commission or the board of super-  
9 visors determines that any such billboard or sign should be removed  
10 it shall notify in writing the person in possession of the private prop-  
11 erty on which it is erected or the person responsible for the erection  
12 or maintenance of such billboard or sign to remove the same within  
13 ten (10) days thereafter.

14 If any such person fails to remove any billboard or sign as provided  
15 herein the state highway commission or the board of supervisors  
16 may order the same removed and the expense of such removal shall  
17 be paid out of the primary road fund on primary roads and county  
18 road fund on secondary roads.

19 All costs or expenses incurred by the state highway commission  
20 or board of supervisors in removing such billboard or sign may be  
21 recovered by the board in an action against the party chargeable with  
22 the removal thereof as provided herein, and when recovered shall be  
23 paid into the primary road fund if paid out of the primary road fund  
24 or into the county road fund if paid out of the county road fund.

1 **SEC. 2. Penalty.** Any person, firm or corporation violating any of  
2 the provisions of this act, or who fails to comply with the orders of  
3 the state highway commission or the board of supervisors as provided  
4 herein shall be guilty of a misdemeanor and shall be punished by a  
5 fine of not exceeding twenty-five dollars (\$25.00) or less than five  
6 dollars (\$5.00).

Approved April 20, A. D. 1923.

## CHAPTER 92

### HIGHWAYS

H. F. 263

AN ACT to repeal chapter one hundred ten, acts of the thirty-ninth general assembly  
(S. C. C. 3044-a1, 3044-a2), relative to standard widths of sleighs and sleds.

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

1 **SECTION 1. Repeal.** That chapter one hundred ten (110), acts of  
2 the thirty-ninth general assembly (S. C. C. 3044-a1, 3044-a2) relating  
3 to the standard width of sleighs and sleds, is hereby repealed.

Approved March 8, A. D. 1923.

## CHAPTER 93

## MOTOR VEHICLES

H. F. 298

AN ACT to amend chapter 275, acts of the 38th general assembly, (supplement to C. C. Chap. 17, Sec. 3053, 3056) relating to the manner of fixing the registration fee on motor vehicles.

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

1 **License fee—retail price—absence of data.** That chapter 275, sec-  
2 tion 10, acts of the 38th general assembly, (supplement to C. C. chap.  
3 17, sec. 3053) be amended by striking out the words "when new," in  
4 line nineteen (19) of said section.

5 That chapter 275, section 13, acts of the 38th general assembly be  
6 amended by adding after the period following the word "year," in  
7 line seven (7) the following:

8 When the retail list price of the car is reduced below the price on  
9 file, the manufacturer shall immediately notify the department, which  
10 shall issue at once to county treasurers a supplementary list of classifi-  
11 cations and on all subsequent registrations this list shall be the basis  
12 of fixing the registration fee. Provided further that the motor vehicle  
13 department shall have the power to fix the license fee on all makes  
14 and models of cars which are not now being furnished or upon which  
15 the statement from the factory can not be obtained.

Approved April 20, A. D. 1923.

Note: The word "it" in the enacting clause is omitted in the enrolled bill.

## CHAPTER 94

## MOTOR VEHICLES

S. F. 491

AN ACT to amend section ten (10) of chapter two hundred seventy-five (275), acts of the thirty-eighth general assembly (S. C. C. 3053) by providing for a refund of license fee upon such cars as are destroyed or stolen and not recovered during the year for which registration was paid.

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

1 **SECTION 1. Refund of license fees.** That the law as it appears in  
2 section ten (10) of chapter two hundred seventy-five (275), acts of  
3 the thirty-eighth general assembly (S. C. C. Sec. 3053), be amended  
4 by adding as sub-section 6 the following:

5 "If during the first half of the year for which a motor vehicle was  
6 registered and the required registration fee paid therefor, such car  
7 is destroyed by fire or accident, or stolen and not recovered by the  
8 owner before the expiration of the registration period for which such  
9 fee was paid, or sold and continuously used beyond the boundaries of



10 the state of Iowa, said owner shall upon the first day of January fol-  
 11 lowing such theft or destruction by accident be paid a refund to the  
 12 amount of one-half ( $\frac{1}{2}$ ) the motor vehicle license fee paid for such  
 13 year. The motor' vehicle department is hereby authorized to make  
 14 such payments according to the above provisions, when sufficient proof  
 15 of such destruction by accident, theft, or sale for continuous use  
 16 beyond the boundaries of the state, is properly certified, approved by  
 17 the county treasurer, and filed with the motor vehicle department."

1 **SEC. 2. Scope of act.** The provisions of this act shall apply to such  
 2 losses as occur on or after Jan. 1, 1923.

Approved April 10, A. D. 1923.

## CHAPTER 95

### MOTOR VEHICLES

H. F. 574

AN ACT to amend sections sixteen (16) and twenty (20) chapter two hundred seventy-  
 five (275), acts of the thirty-eighth (38) general assembly, (S. C. C. Secs. 3059 and  
 3063) relating to delinquent motor vehicle fees and defacement of license plates.

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

1 **SECTION 1. Delinquent fee.** Section sixteen (16), chapter two hun-  
 2 dred seventy-five (275), acts of the thirty-eighth (38) general assem-  
 3 bly (S. C. C. Section 3059) is amended by striking from lines thirty-  
 4 three (33) and thirty-four (34) of said section the following words  
 5 and figures: "fifty cents (\$.50)" and by inserting in lieu of said  
 6 stricken words the following: "two dollars (\$2.00)".

1 **SEC. 2. Defacement of plates.** That section twenty (20), chapter  
 2 two hundred seventy-five (275) acts of the thirty-eighth (38) general  
 3 assembly (S. C. C. Section 3063) be and the same is hereby amended  
 4 by inserting after the word registration in line seventeen (17) the  
 5 following words: "or to wilfully deface any license plate".

1 **SEC. 3. Publication clause.** This act being deemed of immediate  
 2 importance shall be in force and effect from and after its publication  
 3 in the Des Moines Capital and the Des Moines Register, newspapers  
 4 published at Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 21, 1923, and the Des Moines Register April 21, 1923.

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

## CHAPTER 96

## MOTOR VEHICLES

S. F. 303

AN ACT to amend section thirty (30) (S. C. C. 3073) of chapter two hundred seventy-five (275) acts of the thirty-eighth general assembly as amended by chapter one hundred fifty-four (154) acts of the thirty-ninth general assembly relating to the operation of motor vehicles while intoxicated, and providing a penalty therefor.

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

1 SECTION 1. **Operation by intoxicated person.** That section thirty  
2 (30) (S. C. C. 3073) of chapter two hundred seventy-five (275) acts of  
3 the thirty-eighth general assembly as amended by chapter one hun-  
4 dred fifty-four (154) acts of the thirty-ninth general assembly be and  
5 the same is hereby amended by striking out that part of said section  
6 in lines one (1), two (2), and three (3) down to and including the  
7 period (.) following the word "code" in said line three (3) and insert-  
8 ing in lieu thereof the following: "Whoever while in an intoxicated  
9 condition operates a motor vehicle shall upon conviction be sentenced  
10 to the penitentiary for a period not exceeding one (1) year, or be  
11 punished by a fine of not more than one thousand dollars (\$1000.00),  
12 or by both such fine and imprisonment."

Approved April 10, A. D. 1923.

## CHAPTER 97

## MOTOR VEHICLE CARRIER LINES

S. F. 361

AN ACT providing for the supervision and regulation of persons either natural or artificial engaged in the transportation of persons or property for hire over the public highways of the state by motor vehicles and conferring certain jurisdiction over such persons and such vehicles upon the board of railroad commissioners of the state; also providing for the enforcement of this act and for the punishment of violation thereof.

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

1 SECTION 1. **Definitions—exceptions.** (a) The term "motor ve-  
2 hicle" when used in this act means any automobile, automobile truck,  
3 motor bus, or any other self-propelled vehicle not operated or driven  
4 upon fixed rails or track.  
5 (b) The term "motor carrier" when used in this act means any  
6 person, firm or corporation, lessee, trustee or receiver, operating any  
7 motor vehicles with or without trailers attached, upon any public high-  
8 way for the transportation of passengers or property for compensa-  
9 tion, between fixed termini or over a regular route even though there  
10 may be periodic or irregular departures from said termini or route,

11 or for delivering oils, goods or merchandise other than farm products  
 12 in the vicinity of and from a distributing point except such motor  
 13 carriers operating solely within the limits of a municipality.

14 Provided that the provisions of this section shall not be so construed  
 15 as to apply to resident retail merchants who deliver goods and mer-  
 16 chandise, other than oils, or oil products, in quantities of five gallon  
 17 or less, in pursuance of bona fide sales to residents outside the limits  
 18 of cities and towns and special charter cities, or to any vehicle used  
 19 in collecting dairy products from the producer. Nothing in this act  
 20 shall be construed as affecting the operation of school busses, which  
 21 are used in conveying school children to or from consolidated or other  
 22 schools.

23 (c) The term "highway" when used in this act means every public  
 24 street, road, highway, or thoroughfare of any kind in this state used  
 25 by the public whether actually dedicated to the public or accepted by  
 26 the proper authorities or otherwise.

27 (d) The terms "board" or "commission" when used in this act  
 28 mean the board of railroad commissioners of the state of Iowa.

1 **SEC. 2. Rules and regulations.** The board of railroad commissioners  
 2 of the state of Iowa is hereby vested with the power to prescribe rules  
 3 and regulations for the operation of motor vehicles as defined herein  
 4 for the protection and safety of the public.

1 **SEC. 3. Rates.** All charges made by any motor carrier for any  
 2 service rendered or to be rendered in the transportation of passengers  
 3 or property, or in connection therewith, shall be just, reasonable and  
 4 non-discriminating, and every unjust, unreasonable, or discriminating  
 5 charge for such service or any part thereof is prohibited and declared  
 6 unlawful.

1 **SEC. 4. Authority to operate—application—hearing.** It is hereby  
 2 declared unlawful for any motor carrier to operate or furnish service  
 3 within this state without first having obtained from the board of  
 4 railroad commissioners a certificate authorizing such operation. Be-  
 5 fore such certificate shall be issued, the board of railroad commis-  
 6 sioners shall after a public hearing make a finding that the service  
 7 proposed to be rendered will promote the public convenience. If such  
 8 finding be made, it shall be its duty to issue such certificate; but a  
 9 certificate shall be granted when it appears to the satisfaction of the  
 10 board of railroad commissioners that such person, firm or corporation  
 11 was actually operating in good faith, over the route for which such  
 12 certificate shall be sought, on April 14, 1923. If such finding be not  
 13 made, it shall refuse such certificate. When the certificate is granted,  
 14 it may attach to the exercise of the rights therein conferred such  
 15 terms and conditions as in its judgment the public safety, convenience  
 16 and necessity may require. For just cause, the board may at any  
 17 time modify, amend or revoke any certificate issued.

18 The board shall adopt rules governing the procedure to be followed  
 19 in the filing of applications and in the conduct of hearings upon such  
 20 applications and in the granting of such certificates. All applications  
 21 shall be in writing and in addition to the other information required,  
 22 shall contain the following:

23 (a) The complete route over which the applicant desires to operate.

24 (b) The proposed schedule or schedules setting forth in detail,  
25 the service which the applicant proposes to render.

26 (d) A complete and detailed description of the property proposed  
27 to be devoted to the public service.

28 Notice of the filing of the application and the date and place of the  
29 hearing thereupon shall be published in some newspaper of general  
30 circulation in each of the counties in which the service is proposed to  
31 be rendered once each week for two consecutive weeks prior to said  
32 hearing. The hearing shall be held in one of the counties in which the  
33 service is proposed to be rendered to be selected by the applicant.

Note: In line 26 "(d)" should be "(c)".

1 **SEC. 5. Appeal—procedure and trial.** Appeal may be taken from  
2 an adverse decision of such board of railroad commissioners by the  
3 parties making such application, to the district court of any county  
4 in Iowa in which any portion of the route over which they are author-  
5 ized to operate is located, within thirty days from the time such  
6 decision was rendered by giving at least ten days notice to such board  
7 of railroad commissioners to be served on the chairman or secretary  
8 of such board in the same manner as original notices are now served  
9 and by filing a bond for costs in the sum of not less than one hundred  
10 dollars with the clerk of said court.

11 Upon such appeal being taken the secretary of such board shall  
12 make and certify a transcript of all papers, records and proceedings  
13 in connection with such application and hearing and file the same with  
14 the clerk of said court on or before the first day of the next term  
15 thereof following the taking of such appeal.

16 The appeal shall be tried in equity and submitted upon the transcript  
17 of the evidence and the record made before the commission, and the  
18 district court shall either affirm, modify or reverse the order of the  
19 commission. An appeal may be taken from the judgment of the  
20 district court to the supreme court, as from other judgments.

1 **SEC. 6. Assignment of authorization.** No certificate of authoriza-  
2 tion issued under the provisions of this act shall be sold, transferred,  
3 leased or assigned nor shall any contract or agreement with refer-  
4 ence to or affecting any such certificate be made except with the  
5 written approval of the board.

6 Nor shall any person, natural or artificial be permitted to take over  
7 any such certificate unless he or it shall assume all the obligations  
8 imposed upon an original applicant.

1 **SEC. 7. Maximum load.** No motor carrier shall be permitted to  
2 operate a vehicle, equipped with solid rubber tires which together with  
3 its maximum load, weighs more than sixteen thousand pounds or one  
4 equipped with pneumatic tires which together with its maximum load,  
5 over twenty thousand pounds over the public highways of this state.

1 **SEC. 8. Power of cities and towns—farm products—interpretive**  
2 **clause.** Cities and towns, including cities under special charter, shall  
3 have power, by ordinance, to adopt general rules of operation and to  
4 designate the streets or routes over which motor carriers shall travel,  
5 provided, however, that the exercise of the power granted in this  
6 section shall be reasonable and fair.

7 Nothing in this act shall be construed as conferring on the board  
of railroad commissioners the right to regulate any motor vehicle used

8 in the business of transporting live stock or other farm product from  
 9 the place of production to market.  
 10 Nothing in this act shall be construed as repealing section 754-a, sup-  
 11 plemental supplement to the code, 1915, nor chapter 115, acts of the  
 12 thirty-ninth general assembly.  
 13 Motor vehicles operating or proposing to operate, between cities  
 14 and towns, the corporate limits of which are not to exceed one mile  
 15 apart shall be considered as coming within the purview of the acts  
 16 described in this section.

**SEC. 9. Taxes—basis for computation—certification—collection—**  
 1 use. In addition to the regular license fees or taxes imposed on motor  
 2 vehicles in this state, every motor carrier shall pay the following taxes  
 3 for the maintenance and the up-keep of the public highways:

4 Motor vehicles having pneumatic tires, one-eighth cent ( $\frac{1}{8}$ c) per  
 5 ton mile of travel over and along the public highways.

6 Motor vehicles having hard rubber or solid tires, one-fourth cent  
 7 ( $\frac{1}{4}$ ) per ton mile of travel over and along the public highways.

8 In figuring the ton miles of passenger travel, the maximum seating  
 9 capacity of each passenger carrying motor vehicle unit (trailers to  
 10 be included) at one hundred fifty pounds (150) per passenger seat,  
 11 plus the weight of the vehicle, multiplied by the number of miles  
 12 operated the sum thus obtained to be divided by two thousand, shall  
 13 determine the ton miles of passenger travel each month. In no event,  
 14 however, shall the number of miles operated be considered as less  
 15 than the number required to be operated by the carrier to maintain  
 16 its filed schedules.

17 In figuring the ton miles of freight travel, the maximum freight  
 18 carrying capacity of each freight carrying truck or vehicle unit  
 19 (trailers to be included) plus the weight of the vehicle, multiplied by  
 20 the number of miles operated, the entire sum thus obtained to be  
 21 divided by two thousand shall determine the ton miles of freight  
 22 travel per month.

23 The motor carrier shall keep a daily record upon a form prescribed  
 24 by the commission of all schedules maintained, motor vehicle and  
 25 trailer units used and motor vehicle and trailer units laid up for  
 26 repairs, during the current month, and on or before the tenth day of  
 27 the month following shall certify under oath to the commission upon  
 28 such forms as may be prescribed by the commission, a summary of the  
 29 daily record which shall show the grand total ton miles of travel,  
 30 both passenger and freight made by the motor carrier during the  
 31 preceding month. The daily record of each month's business shall  
 32 thereupon be filed and preserved for a period of at least five years  
 33 and thereafter until permission for their destruction shall have been  
 34 obtained from the commission. Such daily record of each month's  
 35 business shall be examined at least once each year by the commission  
 36 or an authorized representative, and compared with the sworn sum-  
 37 maries on file with the commission. Any wilful falsification of the  
 38 sworn monthly summaries, in addition to other penalties imposed by  
 39 the statute, shall result in immediate revocation of the motor car-  
 40 rier's certificate. Errors in monthly summaries as compared to the  
 41 daily records shall be adjusted to the figures of the daily records from  
 42 time to time as discovered and certified to the county treasurers by

43 the commission in the same manner as the regular monthly certifica-  
44 tion as hereinafter required.

45 Regularly each month, on or before the last day of the month, the  
46 commission shall certify to the various county treasurers in the coun-  
47 ties through or in which any motor carrier is operating, the total  
48 amount of the special tax due from each motor carrier for operation  
49 over the public highways for the preceding month. This tax shall be  
50 computed by multiplying the total number of ton miles operated by  
51 each motor carrier as shown by their sworn monthly summary to the  
52 commission by the rate or rates of taxation as in this act specified.  
53 Thereupon the county treasurer shall enter the amount of the tax  
54 so certified upon the tax books of the county and serve a notice upon  
55 the motor carrier of the amount of tax due, which shall be payable  
56 not later than the fifteenth day of the month after the date of its  
57 certification from the commission. All taxes in this manner assessed  
58 shall become a first lien upon the property of the motor carrier used  
59 in said business, until paid. In addition to the remedy upon the bond  
60 for collection of the tax, the property of the motor carrier may be  
61 advertised and sold for the non-payment of any such taxes in the  
62 same manner and at the same time and under the same general rules  
63 and conditions as apply to all other property in the state. Upon fail-  
64 ure of any motor carrier to pay any tax when due the county treas-  
65 urer shall notify the commission at once, and the commission may  
66 in its discretion revoke the carrier's certificate.

67 The money received by the county treasurer from this source shall  
68 be allocated to the various city and county road districts in the pro-  
69 portion that the number of miles of public highway used by the  
70 taxed motor carrier in any one district bears to the total number of  
71 miles used within the county. Such funds shall be used by each  
72 governmental agency receiving the same for the maintenance and  
73 repair of the highways and streets over which the carrier operates.

1 **SEC. 10. Bond.** No certificate of authorization shall be issued by  
2 the commission to any motor carrier until and after such motor car-  
3 rier shall have filed with the commission of this state a liability  
4 insurance bond, in a form to be approved by the commission, in some  
5 company authorized to do business in this state, in such a penal sum  
6 as the commission may deem necessary to adequately protect the  
7 interests of the public with due regard to the number of persons  
8 and amount of property involved, which liability insurance shall bind  
9 the obligors thereunder to make compensation for injuries to persons  
10 and loss of or damage to property resulting from the operation of  
11 such motor carrier, and for which they would be legally liable. Said  
12 commission shall also require a satisfactory bond in such penal sum  
13 and conditioned on the payment of all fees, taxes or charges which  
14 may be due the state or any governmental unit in the state under  
15 any permit of operation and for the faithful carrying out of any  
16 permit granted by said commission. No other or additional bonds  
17 than as herein described shall be required of any motor carrier by  
18 any city or town or other agency of the state.

1 **SEC. 11. Safety rules.** The commission in the exercise of the  
2 authority by this act vested in it to supervise and regulate all motor  
3 carriers shall promulgate such safety rules and regulations as it may  
4 deem necessary to govern and control the operation of motor carriers

5 over and along the public highways of this state, and to enforce the  
6 same by such penalties and forfeitures as it may prescribe, including  
7 the revocation of the permit granted under the provisions of this act.  
8 Any such safety rules promulgated in addition to any others deemed  
9 necessary by the commission shall include the following:

10 (a) Every motor carrier unit and all parts thereof shall be main-  
11 tained in a safe and sanitary condition at all times, and shall be at all  
12 times subject to the inspection of the commission and its duly author-  
13 ized representatives.

14 (b) Every driver employed by a motor carrier shall be at least  
15 twenty-one years of age, of good moral character, shall be fully com-  
16 petent to operate the motor vehicle under his charge, and shall hold a  
17 regular chauffeur's license from the state motor vehicle department.

18 (c) On passenger carrying motor carrier units passengers will  
19 not be allowed to ride on the running boards, fenders or any other  
20 part of the outside of the vehicle.

21 (d) On freight carrying motor carrier units no part of the load  
22 shall be allowed to project more than six inches beyond the running  
23 board of said motor vehicle, or measure more than eight feet wide  
24 over all.

25 (e) No passenger carrying motor carrier unit shall be driven  
26 over and along the public highways of this state at a greater rate of  
27 speed than twenty-five miles per hour.

28 No freight carrying motor carrier unit shall be driven over and  
29 along the public highways of this state at a greater rate of speed  
30 than twenty miles per hour.

31 (f) Accidents arising from or in connection with the operation of  
32 motor carriers shall be reported to the commission in such detail  
33 and in such manner as the commission may require.

34 (g) The commission shall require and every motor carrier shall  
35 have attached to each unit or vehicle such distinctive markings or  
36 tags as shall be adopted by the commission.

1 SEC. 12. Indefinite repeal. All acts or parts of acts in conflict with  
2 the provisions of this act are hereby repealed.

1 SEC. 13. Forfeiture of certificate. Every owner, officer, agent or  
2 employe of any motor carrier, and every other person who violates  
3 or fails to comply with, or who procures, aids or abets in the viola-  
4 tion of any provision of this act, or who fails to obey, observe or  
5 comply with any order, decision, rule or regulation, direction, demand  
6 or requirement, or any part or provision thereof, of the commission,  
7 or who procures, aids or abets any corporation or person in his fail-  
8 ure to obey, observe or comply with any such order, decision, rule,  
9 direction, demand or regulation or any part or provision thereof,  
10 shall forfeit the certificate as provided herein.

Approved April 18, A. D. 1923.

## CHAPTER 98

## LICENSES

H. F. 666

AN ACT conferring powers and duties upon township trustees to make certain regulations with reference to the prohibition and licensing of theatres, shows, pool and billiard halls and bowling alleys within their townships, providing a penalty for the violation of the law and repealing chapter three hundred fifty-eight (358), acts of the thirty-seventh general assembly, (C. C. 3136, 3137).

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

1 SECTION 1. Places of amusement—license. It shall be unlawful for  
2 any person or persons to keep or operate for hire any theater, in-  
3 cluding moving picture shows, pool or billiard room or bowling alley  
4 outside the limits of cities and towns without procuring a license  
5 therefor from the township trustees of the township in which the  
6 same is located.

7 Licenses shall be issued only upon resolution adopted by the board  
8 of trustees, made of record and all licenses shall be signed by the  
9 chairman of the board of trustees and the township clerk.

10 The board of trustees may, by resolution, prescribe the terms and  
11 conditions under which any of such places may be operated, which  
12 conditions shall be entered upon the license and shall also be made  
13 a part of the permanent record of the proceedings of the board.

1 SEC. 2. Chapter 358 acts of the thirty-seventh general assembly  
2 (C. C. 3136—3137) is hereby repealed.

1 SEC. 3. Penalties. Any person operating a theater, including a  
2 moving picture theater, pool or billiard room or bowling alley, with-  
3 out first procuring a license as provided in section one (1) hereof,  
4 or any person violating any of the rules and regulations prescribed  
5 by the board of trustees for the operation of such places and which is  
6 entered of record by them and printed or written upon the license  
7 issued, shall be guilty of a misdemeanor and upon conviction shall be  
8 fined in any sum not exceeding twenty-five dollars (\$25.00).

Approved April 20, A. D. 1923.



## CHAPTER 99

## DOGS

S. F. 667

AN ACT to amend chapter one hundred forty (140) acts of the thirty-ninth general assembly (S. C. C. 31319-a1, a3, a4, a10, a12) relating to the taxation, licensing and controlling of dogs.

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

1 SECTION 1. License tag. That the law as it appears in chapter one  
2 hundred forty (140) acts of the thirty-ninth general assembly be  
3 and the same is hereby amended in the following particulars, to-wit:

4 Amend section one (1) of said act by inserting after the word  
5 "license" and before the word "for" in line five (5) of said section  
6 the word "tag".

7 That said section be further amended by striking out of said section  
8 all that part thereof following the period (.) in line fifteen (15)  
9 down to and including the period (.) after the word "license" in line  
10 eighteen (18) and inserting in lieu thereof the following: "Such  
11 license tag shall have stamped thereon the year in which it is issued  
12 and the name of the county issuing it and shall bear the serial number  
13 under which the dog is licensed as shown by the record book  
14 in the office of the county auditor."

15 That said section be further amended by striking out that part of  
16 said section following the period (.) following the word "year" in  
17 line nineteen (19) down to and including the period (.) in line  
18 twenty (20) and substituting in lieu thereof the following: "The  
19 board of supervisors shall furnish to the county auditor the metal  
20 tags required under this act."

1 SEC. 2. Application for license tag. That said act be further  
2 amended by striking out section three (3) and inserting in lieu  
3 thereof the following: "Applications for license tags may be sworn  
4 to before any person qualified to administer an oath and mailed to  
5 the county auditor. Where an acknowledgment is taken by the  
6 county auditor, no fee shall be charged. Upon receipt of such application  
7 the auditor shall immediately issue the license tag and deliver the same  
8 to the applicant or forward it by mail as the case  
9 may be."

1 SEC. 3. Transfer of license tag. That said act be further amended  
2 by repealing section four (4) thereof and substituting in lieu thereof  
3 the following: "No license tag issued for one dog shall be transferable  
4 to another dog. Whenever the ownership of any dog is permanently  
5 transferred from one person to another, the license tag may be  
6 transferred by notation on the original license record by the county  
7 auditor. Whenever a dog licensed in one county is permanently  
8 transferred to another county, the license tag may also be transferred  
9 by application to the county auditor of the county to which the dog  
10 is removed and the payment to him of a fee of twenty-five (25c)  
11 cents. Upon the payment of the fee above referred to, a new license  
12 tag shall be issued for such dog."

1     **SEC. 4. Delinquent fees—penalty—collection.** That said act be  
 2 further amended by striking out section ten (10) and substituting  
 3 in lieu thereof the following: "All license fees shall become delin-  
 4 quent on the first day of June of the year in which they are due and  
 5 payable and a penalty of one (\$1.00) dollar shall be added to each  
 6 unpaid license on and after June first. Between the first and the  
 7 twentieth day of May, the county auditor shall cause to be published  
 8 once in each of the official papers of the county a list of the names  
 9 of all persons owning dogs reported by the assessor upon which the  
 10 tax has not been paid. If the license is paid upon any dog after  
 11 publication and before June first there shall be collected in addition  
 12 to the license fee the costs of publication. If such license is collected  
 13 on or after June first, in addition to the license fee the auditor or  
 14 treasurer shall collect a penalty of one (\$1.00) dollar and costs of  
 15 publication. Not later than May first the county auditor shall cause  
 16 to be spread upon the tax books of the county any delinquent license  
 17 tax together with the penalty and costs of publication, which tax,  
 18 penalty and costs shall be collectible in the same manner and in the  
 19 same way as any other delinquent tax. Should such tax, penalty  
 20 or costs be uncollectible, the costs of publication and collection shall  
 21 be paid from the domestic animal fund."

1     **SEC. 5. Right of property.** That section twelve (12) of said act  
 2 be amended by inserting after the word "license" and before the  
 3 word "for" in line two (2) thereof the word "tag".

4     That said section be further amended by striking out the comma  
 5 (,) following the word "license" as it appears in lines four (4) and  
 6 five (5) of said section.

1     **SEC. 6. When act effective.** The provisions of this act shall not  
 2 become effective until January 1, 1924.

Approved April 21, A. D. 1923.

## CHAPTER 100

### DOGS

H. F. 382

AN ACT to amend chapter one hundred forty (140) acts of the thirty-ninth general assembly (C. C. Ch. 2 Tit. XII) relating to the taxation, licensing and controlling of dogs, and relieving certain officers from responsibility for the collection of fees in relation thereto.

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

1     **SECTION 1. Application for license—failure to collect fee.** That  
 2 chapter one hundred forty (140) acts of the thirty-ninth general  
 3 assembly (C. C. Ch. 2 Tit. XII) be and the same is hereby amended  
 4 by striking out section three (3) thereof and substituting in lieu  
 5 therefor the following:

6     "Sec. 3. Applications in writing accompanied by the fee provided

7 for in section one (1) of this act, shall be made to the county auditor  
 8 who shall, upon receipt of such application and fee, issue the license  
 9 and tag for such dog to the applicant. Provided further that any  
 10 county officer who has heretofore administered oaths in connection  
 11 with applications for dog licenses and failed to collect the fee of  
 12 twenty-five cents (25c) therefor shall be relieved from responsibility  
 13 for such failure to collect."

Approved April 20, A. D. 1923.

## CHAPTER 101

### COUNTY RECORDER

S. F. 371

AN ACT to permit and authorize the filing of notices of liens for taxes in favor of the United States of America.

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

1 SECTION 1. Lien of federal tax—notice. The notice of a lien for  
 2 any tax in favor of the government of the United States or any re-  
 3 lease of such lien, may be filed and recorded in the office of the county  
 4 recorder in any county within which the property subject to the lien  
 5 is situated. Such county recorder shall file, record and index any  
 6 such notice of lien or any release of the same without fee.

1 SEC. 2. Publication clause. This act, being deemed of immediate  
 2 importance, shall take effect and be in force from and after its pub-  
 3 lication in the Des Moines Capital and Des Moines News, newspapers  
 4 published at Des Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News April 23, 1923, and in the Des Moines Capital April 24, 1923.

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

## CHAPTER 102

## FEES

H. F. 357

AN ACT to repeal paragraph seven (7) of section 1, chapter 49, acts of the thirty-seventh general assembly (C. C. 3206), relating to the fees of the sheriff for collecting and paying over money, and providing for refund in certain cases.

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

1 SECTION 1. **Repeal.** That paragraph seven (7) of section one (1)  
2 chapter 49, acts of the thirty-seventh general assembly (C. C. 3206),  
3 is hereby repealed.

1 SEC. 2. **Renumbering paragraphs.** Section one (1) of chapter  
2 forty-nine (49) acts of the thirty-seventh (37) general assembly is  
3 amended by renumbering paragraphs eight (8) to eighteen (18),  
4 inclusive, as seven (7) to seventeen (17), inclusive.

1 SEC. 3. **Retroactive effect.** Where property has heretofore been  
2 sold at sheriff's sale and the time of redemption has not yet expired  
3 and the debtor, or other lien holder, redeems from the sale, the  
4 county shall refund to the debtor, or whoever redeems, the fees col-  
5 lected by the sheriff at the time of sale under the law repealed by  
6 section 1 of this act, or if the property is not redeemed, then the  
7 county shall refund said fee to the holder of the certificate of sale  
8 at the time the redemption period expires.

1 SEC. 4. **Publication clause.** This act being deemed of immediate  
2 importance shall take effect and be in full force and effect after its  
3 publication in the Des Moines Register and the Des Moines Capital,  
4 newspapers published in Des Moines, Iowa.

Approved March 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital March 17, 1923, and the Des Moines Register March 18, 1923.

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

## CHAPTER 103

## COUNTY SHERIFF

S. F. 406

AN ACT relating to and requiring sheriffs to make reports of all monies received from or through condemnation proceedings and to pay such funds to county treasurers or the successor in office of such sheriff and requiring such treasurers and successors to account for the same.

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

1 SECTION 1. **Condemnation funds—accounting.** That on or before  
2 the first day of January in each year the sheriff of each county in

3 Iowa having any condemnation funds in his possession shall make a  
4 detailed report under oath of all funds in his possession received  
5 from condemnation proceedings of any kind that have been finally  
6 adjudicated, reciting therein the names of the parties to whom said  
7 funds belong, when received, and describing the property condemned,  
8 which report shall be filed with the county treasurer, and the sum so  
9 shown due from such sheriff paid over to the county treasurer, who  
10 shall make a detailed receipt therefor.

1 **SEC. 2. Nonadjudicated cases.** Every sheriff having any condem-  
2 nation funds in his possession in cases not finally adjudicated, shall  
3 make a further report of funds received by him in such cases, in  
4 detail as called for in section one hereof and file the same with the  
5 county auditor for examination and checking by the board of super-  
6 visors, and where any sheriff's term is expiring he shall pay  
7 such condemnation funds in cases not finally adjudicated to his suc-  
8 cessor in office, taking his receipt therefor.

1 **SEC. 3. Present cases.** The sheriff of any county in Iowa, whose  
2 term has expired, and who has such condemnation funds in his  
3 possession not turned over to his successor, shall make the reports  
4 provided for in sections one and two hereof, and pay over such funds  
5 to such county treasurer or his successor in office as the case may be  
6 within thirty days (30) after the passage of this act.

1 **SEC. 4. Disbursement of funds.** The county treasurer receiving  
2 such funds shall enter the same in detail in a book kept for that pur-  
3 pose, listing the names of the parties to whom such funds are due,  
4 description of property condemned and amount of each item so due,  
5 and the same shall be paid out by him to the parties to whom the  
6 same is due, upon warrants ordered by the board of supervisors and  
7 issued by the county auditor, drawn upon said condemnation fund,  
8 and shall not be payable out of any other fund. And such county  
9 treasurer and his sureties shall be liable for such funds the same as  
10 for other funds received in his official capacity.

1 **SEC. 5. Disbursement or deposit by sheriff.** Any sheriff receiving  
2 funds as provided in section two hereof shall list the same in detail in  
3 a book kept for that purpose, and pay the same to the parties entitled  
4 thereto, upon final adjudication of such cases, or if held, after final  
5 adjudication until the end of the calendar year to the county treasurer  
6 as provided in paragraph one hereof.

1 **SEC. 6. Interpretation clause.** Nothing contained in this act shall  
2 be construed as relieving such sheriffs or ex-sheriffs or the sureties  
3 on their bonds from liability for such funds so received by them until  
4 such payment has been made to the county treasurer or successor in  
5 office as herein provided.

1 **SEC. 7. Publication clause.** This act being deemed of immediate  
2 importance, shall take effect and be in force from and after its pub-  
3 lication in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved April 10, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 11, 1923, and the Des Moines Register April 12, 1923.

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

## CHAPTER 104

## COUNTIES

S. F. 343

AN ACT to require the officers of counties to limit annual expenditures in the several funds to the actual collectible revenues of such funds, and fixing the liability for violation of the provisions hereof.

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

1 SECTION 1. **Limitation on expenditures.** It shall be unlawful for  
 2 any county, or for any officer thereof to allow any claim, or to issue  
 3 any warrant, or to enter into any contract, which will result, during  
 4 said year, in an expenditure from any county fund in excess of an  
 5 amount equal to the legally collectible revenues in said fund for said  
 6 year, plus any unexpended balance in said fund for any previous years.  
 7 Any officer allowing a claim, issuing a warrant, or making a contract  
 8 contrary to the provisions of this section, shall be held personally  
 9 liable for the payment of the claim or warrant, or the performance  
 10 of the contract.

1 SEC. 2. **Nonapplicability of law.** The preceding section shall not  
 2 apply:  
 3 1. To expenditures for bridges or buildings destroyed by fire or  
 4 flood or other extraordinary casualty, or expenses incurred in con-  
 5 nection with the operation of the courts.  
 6 2. To expenditures for bridges which are made necessary in any  
 7 year by the construction of a public drainage improvement.  
 8 3. To expenditures for the benefit of any person entitled to receive  
 9 help from public funds.  
 10 4. To expenditures authorized by vote of the electors.

Approved March 19, A. D. 1923.

See chapter 105.

## CHAPTER 105

## COUNTIES

S. F. 604

AN ACT to amend senate file No. 343 of the acts of the fortieth general assembly, relating to the expenditure of county funds.

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

1 SECTION 1. **Collectible revenues.** That section one (1) of senate  
 2 file No. three hundred forty-three (343), laws of the fortieth general  
 3 assembly, be and it is hereby amended by striking from line four (4)  
 4 of said section the word "legally".

1     **SEC. 2. Applicability of act.** That section two (2) of senate file  
2 No. three hundred forty-three (343), laws of the fortieth general  
3 assembly, be and it is hereby amended by adding to said section the  
4 following:

5     (5) To expenditures contracted prior to July 4, 1923, for and on  
6 account of county activities authorized by law.

7     (6) To expenditures contracted prior to July 4, 1923, of every  
8 kind and character for the funding and refunding of legal obligations  
9 or indebtedness of the county by bonding or otherwise as provided by  
10 law.

11    (7) To expenditures from the county funds which are to be re-  
12 funded from the primary road fund.

13    (8) To expenditures from the county general fund legally payable  
14 from that fund and contracted prior to January 1, 1924.

Approved April 21, A. D. 1923.

## CHAPTER 106

### COUNTIES

S. F. 636

AN ACT providing that expense incurred by county officials attending state conven-  
tions of county officials shall not be paid from county funds.

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

1     **SECTION 1. Expense attending state conventions.** It shall be un-  
2 lawful for the county board of supervisors to allow any claim or  
3 authorize the issue of any warrant for the purpose of defraying the  
4 expense of any county official to any state convention of county offi-  
5 cials or of any such group meetings of county officials of a portion of  
6 the state of Iowa less than the entire state.

1     **SEC. 2. Payment prohibited.** If any warrants are authorized and  
2 issued contrary to the above provisions, the county treasurer shall  
3 refuse to honor the same by payment.

1     **SEC. 3. Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its pub-  
3 lication in the Des Moines Register and the Des Moines Capital, news-  
4 papers published at Des Moines, Iowa.

Approved April 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 10, 1923, and the Des Moines Register April 11, 1923.

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

## CHAPTER 107

## COUNTIES

H. F. 717

AN ACT to amend section four hundred twenty-three (423) of the code, as amended by section four hundred twenty-three (423), supplemental supplement to the code, 1915, chapter three hundred thirty-two (332), acts of the thirty-seventh general assembly and chapters seventy-one (71) and seventy-three (73), acts of the thirty-eighth general assembly (C. C. 3242) relating to expenditures for construction of buildings and bridges by a county.

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

1     **SECTION 1. Special court house expenditure.** That section four  
2 hundred twenty-three (423) of the code, as amended by section four  
3 hundred twenty-three (423), supplemental supplement to the code,  
4 1915, chapter three hundred thirty-two (332), acts of the thirty-  
5 seventh general assembly and chapters seventy-one (71) and seventy-  
6 three (73) acts of the thirty-eighth general assembly (C. C. 3422)  
7 be and the same is hereby amended by adding to said section as  
8 amended, the following:  
9     "Provided, however, that in any county where a court house has  
10 been or is destroyed by fire and an amount of not less than one  
11 hundred thousand (\$100,000.00) dollars has been raised by public sub-  
12 scription and donated to the county for the purpose of erecting a  
13 court house the board of supervisors may use the amount so donated  
14 for the construction of the court house and in addition thereto may  
15 appropriate from the general fund of the county for such purpose a  
16 sum not exceeding one-half of the amount donated, provided there is  
17 in the general fund of the county, unappropriated for other purposes,  
18 an amount sufficient from which to pay such appropriation."

Approved April 20, A. D. 1923.



## CHAPTER 108

## BONDS

S. F. 532

AN ACT to amend chapter three hundred sixty-seven (367), acts of the thirty-seventh (37th) general assembly (C. C. Sec. 3593, 4346); section seven hundred twenty-six (726), supplemental supplement to the code, 1915 (C. C. Sec. 3638); section two (2) of chapter three hundred twelve (312), acts of the thirty-eighth (38th) general assembly (C. C. Sec. 3675); section seven hundred sixty-six-c (766-c), supplement to the code, 1913 (C. C. Sec. 3796); section eight hundred forty-three (843) of the code (S. C. C. Sec. 3957); section four (4), chapter two hundred eighty-eight (288), acts of the thirty-eighth (38th) general assembly, as amended by section one (1), chapter eighty-two (82), acts of the thirty-ninth (39th) general assembly (S. C. C. Sec. 3997); section twelve (12), chapter two hundred eighty-eight (288), acts of the thirty-eighth (38th) general assembly, as amended by section two (2), chapter eighty-two (82), acts of the thirty-ninth (39th) general assembly (S. C. C. Sec. 4005); section nine hundred six (906) of the code (C. C. Sec. 4061); section nine hundred eighty-seven (987) of the code (C. C. Sec. 4403); section nineteen hundred fifty-three (1953) of the code (C. C. Sec. 4795); section nineteen hundred eighty-nine-a twenty-seven (1989-a27), supplement to the code, 1913 (S. C. C. Sec. 4875); section four hundred three (403), supplement to the code, 1913 (C. C. Sec. 3261); and section one (1), chapter two hundred thirty-nine (239), acts of the thirty-eighth (38th) general assembly (C. C. Sec. 3309), relating to the rate of interest on bonds.

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

1     **SECTION 1. Garbage disposal plant bonds.** That chapter three  
2 hundred sixty-seven (367), acts of the thirty-seventh (37th) general  
3 assembly (C. C. Sec. 3593, 4346), is amended by striking from line  
4 twenty-three the word and figure "six (6%)", and by inserting in lieu  
5 thereof the word and figure "five (5%)".

1     **SEC. 2. Municipal bonds.** That section seven hundred twenty-six  
2 (726), supplemental supplement to the code, 1915 (C. C. Sec. 3638),  
3 is amended by striking from line four the word "six" and by inserting  
4 in lieu thereof the word "five".

1     **SEC. 3. Park bonds.** That section two (2) of chapter three hun-  
2 dred twelve (312), acts of the thirty-eighth (38th) general assembly  
3 (C. C. Sec. 3675), is amended by striking from line seventeen the  
4 figure "6%", and by inserting in lieu thereof the figure "5%".

1     **SEC. 4. Bridge bonds.** That section seven hundred sixty-six-c  
2 (766-c), supplement to the code, 1913 (C. C. Sec. 3796), is amended  
3 by striking from line three the word "six", and by inserting in lieu  
4 thereof the word "five".

1     **SEC. 5. Street improvement and sewer bonds.** That section eight  
2 hundred forty-three (843) of the code (S. C. C. Sec. 3957), is amended  
3 by striking from line nine (9) and line thirty-one (31) the word  
4 "six", and by inserting in lieu thereof the word "five".

1     **SEC. 6. Waterworks bonds.** That section four (4), chapter two  
2 hundred eighty-eight (288), acts of the thirty-eighth (38th) general  
3 assembly, as amended by section one (1), chapter eighty-two (82),  
4 acts of the thirty-ninth (39th) general assembly (S. C. C. Sec. 3997),  
5 is amended by striking from line twenty-two of said first named sec-

6 tion, the word and figure "six (6)", and by inserting in lieu thereof  
7 the word and figure "five (5)".

1 **SEC. 7. Waterworks mortgages.** That section twelve (12), chapter  
2 two hundred eighty-eight (288), acts of the thirty-eighth (38th)  
3 general assembly, as amended by section two (2), chapter eighty-two  
4 (82), acts of the thirty-ninth (39th) general assembly (S. C. C. Sec.  
5 4005), is amended by striking from line eleven of said first named  
6 section the word and figure "six (6)", and by inserting in lieu thereof  
7 the word and figure "five (5)".

1 **SEC. 8. Funding bonds.** That section nine hundred six (906) of  
2 the code (C. C. Sec. 4061), is amended by striking from line three  
3 the word "six", and by inserting in lieu thereof the word "five".

1 **SEC. 9. Street improvement and sewer bonds.** That section nine  
2 hundred eighty-seven (987) of the code (C. C. Sec. 4403), is amended  
3 by striking from line nineteen the word "six", and by inserting in  
4 lieu thereof the word "five"; by striking from line forty the word  
5 "six" and by inserting in lieu thereof the word "five".

1 **SEC. 10. Drainage bonds.** That section nineteen hundred fifty-  
2 three (1953) of the code (C. C. Sec. 4795), is amended by striking  
3 from line five the word "eight", and by inserting in lieu thereof the  
4 word "five".

1 **SEC. 11. Drainage bonds.** That section nineteen hundred eighty-  
2 nine-a twenty-seven (1989-a27), supplement to the code, 1913 (S. C.  
3 C. Sec. 4875), is amended by striking from line six the word "six", and  
4 by inserting in lieu thereof the word "five".

1 **SEC. 12. County bonds.** That section four hundred three (403),  
2 supplement to the code, 1913 (C. C. Sec. 3261), is amended by striking  
3 from line fourteen the word "six", and by inserting in lieu thereof  
4 the word "five".

1 **SEC. 13. Hospital bonds.** That section one (1), chapter two hundred  
2 thirty-nine (239), acts of the thirty-eighth (38th) general assembly  
3 (C. C. Sec. 3309), is amended by striking from lines seventeen and  
4 eighteen the words and figure, "six per cent (6%)", and by inserting  
5 in lieu thereof the words and figure, "five per cent (5%)".

Approved April 21, A. D. 1923.

## CHAPTER 109

## COUNTIES

S. F. 611

AN ACT authorizing the board of supervisors to transfer unexpended balances from county bond issues to the general fund of the county.

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

1 SECTION 1. **Transfer of unused bond fund.** The board of supervisors  
2 may by resolution, transfer to the general fund any excess remaining  
3 from the proceeds of a county bond issue voted by the people, after  
4 the full completion of the purposes thereof.

1 SEC. 2. **Publication clause.** This act being deemed of immediate im-  
2 portance shall take effect and be in full force from and after its passage  
3 and publication in the Des Moines Capital and Iowa Forum, news-  
4 papers published in Des Moines, Iowa.

Approved April 4, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 6, 1923, and the Iowa Forum April 11, 1923.

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

## CHAPTER 110

## SUPPORT OF THE POOR

H. F. 405

AN ACT to amend section twenty-two hundred forty-seven (2247) of the supplement to the code, 1913, (C. C. Sec. 3300) relating to the levy of an assessment for the support of the poor.

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

1 SECTION 1. **Levy—increase.** That section twenty-two hundred forty-  
2 seven (2247) of the supplement to the code, 1913 (C. C. Sec. 3300),  
3 be and the same is hereby amended by striking out the word "two"  
4 as it appears in the fifth line of said section and by inserting in lieu  
5 thereof the word "three".

Approved April 12, A. D. 1923.

## CHAPTER 111

## SOLDIERS AND SAILORS

S. F. 535

AN ACT to amend section four hundred thirty-three (433) of the code (C. C. 3345), relating to the burial of indigent soldiers and sailors.

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

1 SECTION 1. Burial expense. That section four hundred thirty-three  
2 (433) of the code (C. C. 3345), as amended by section four hundred  
3 thirty-three (433) of the supplement to the code, 1913, be amended by  
4 striking out the words "fifty dollars" where the same appear in line  
5 eight (8) thereof, and inserting in lieu thereof the words "one hun-  
6 dred dollars."

Approved April 10, A. D. 1923.

## CHAPTER 112

## BENEFITED WATER DISTRICTS

H. F. 742

AN ACT relating to water along the highways of the state, and authorizing and empowering boards of supervisors to establish benefited districts and to levy special assessments for water against such benefited district.

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

1 SECTION 1. Benefited water districts—assessments. That in all  
2 counties having a population of more than one hundred twenty-five  
3 thousand (125,000) in which there is located a permanent federal or  
4 state institution within a distance of ten (10) miles from the cor-  
5 porate limits of the county seat, and where upon the main traveled  
6 thoroughfare leading from said county seat to said institution there  
7 is located a water main, the board of supervisors of such counties  
8 shall have the power to establish benefited water districts to embrace  
9 all or such portions of the territory abutting said thoroughfares and  
10 within six hundred (600) feet on either side thereof, as in the judg-  
11 ment of said board will receive special benefit from water service, to  
12 change the boundaries of such districts from time to time as may  
13 become in the judgment of such board of supervisors just and equi-  
14 table, and to assess so much of the cost of such water service, includ-  
15 ing hydrants, against all lots or tracts of land contained in the bene-  
16 fited district as shall equal and be in proportion to the special benefits  
17 conferred by said service and not in excess thereof. In no case shall  
18 such assessment exceed twenty-five per centum of the actual value  
19 of said lots or tracts at the time of levy thereof, except where the  
20 water service has been petitioned for, and in such case the assessment

21 may be levied against the lots or tracts of land of the district without  
22 such twenty-five per cent. (25%) limitation.

1     **SEC. 2. Establishment—petition.** The board of supervisors of such  
2 counties may establish benefited districts as provided in the preceding  
3 section on the petition of twenty-five (25) resident property owners  
4 within the proposed benefited district, and shall establish such district  
5 upon the petition of seventy-five per cent. (75%) of the resident  
6 property owners therein. Upon receipt by the board of supervisors  
7 in any such county of a petition as above provided, such board shall  
8 fix the time and place for hearing on said petition and cause ten (10)  
9 days' notice of such hearing to be posted at three (3) public places  
10 within the proposed benefited district. On the day fixed for such  
11 hearing the board shall, by resolution, determine the necessity for  
12 such water service, establish the boundaries of the benefited district  
13 and designate the property to be assessed therein for such water  
14 service.

1     **SEC. 3. Record required.** The action of the board upon the passage  
2 of such resolution of necessity shall be by yea and nay vote entered  
3 of record, which record shall also show whether such water service  
4 was upon the petition of twenty-five (25) or seventy-five per cent.  
5 (75%) of the resident property owners within the proposed benefited  
6 district.

1     **SEC. 4. Tax authorized.** The board of supervisors of such counties  
2 shall have the power, after the establishment of any such benefited  
3 district and the furnishing to the residents thereof of water service  
4 for fire protection and other public purposes, by any person or cor-  
5 poration, municipal or private, to levy upon all taxable property  
6 within such benefited district an annual tax for the purpose of paying  
7 the cost of such water service as hereinafter provided.

1     **SEC. 5. Levy.** Any person or corporation, municipal or private,  
2 furnishing water service for fire and other public purposes to the  
3 residents of such district, shall certify to the county auditor of such  
4 county before September first of each year a bill for such water  
5 service, duly verified, and the board of supervisors of such county shall  
6 at its September session following levy a sufficient tax upon the prop-  
7 erty within said benefited district as will produce said sum for the  
8 ensuing year, which tax shall be collected in the same manner as  
9 other taxes are collected and paid over by the treasurer of said county  
10 to the person or corporation, municipal or private, furnishing the  
11 water service. Such taxes shall be known as water service fund and  
12 used only for the purpose authorized by this act, and for no other  
13 purpose whatever.

1     **SEC. 6. Publication clause.** This act being deemed of immediate  
2 importance, shall take effect and be in force from and after its publica-  
3 tion in the Plain Talk and Des Moines Register, newspapers published  
4 in Des Moines, Iowa, without expense to the state.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 23, 1923, and the Plain Talk April 26, 1923.

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

## CHAPTER 113

## CEMETERIES

H. F. 765

AN ACT to amend chapter eighty-nine (89), acts of the thirty-ninth general assembly (S. C. C. 3445-a1) relating to the expenditure of moneys for cemetery purposes.

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

1 SECTION 1. **Expenditures.** That the law as it appears in section  
2 one (1), chapter eighty-nine (89), acts of the thirty-ninth general  
3 assembly, be and the same is hereby amended by inserting after the  
4 word "county" in line one (1) thereof, a comma and the words "city,  
5 town or township".

1 SEC. 2. **Joint support.** Whenever any city or town utilizes a town-  
2 ship cemetery for burial purposes, the city or town council and the  
3 board of trustees of the township may join in the common purpose  
4 of improving, maintaining and supporting such cemetery. Whenever  
5 any such agreement is entered into between the township and a city  
6 or town, the township trustees and the city or town council shall  
7 constitute a joint cemetery board, but in no case shall the number  
8 of votes of the city or town council exceed that of the township  
9 trustees.

Approved April 20, A. D. 1923.

## CHAPTER 114

## CITIES AND TOWNS

S. F. 666

AN ACT to amend the law as it appears in section six hundred sixteen (616), supplement to the code, 1913, (C. C. 3485), relating to the taxation of agricultural lands within cities and towns.

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

1 SECTION 1. **Taxation of lands.** That the law as it appears in sec-  
2 tion six hundred sixteen (616), supplement to the code, 1913, (C. C.  
3 3485), be and the same is hereby amended by inserting in the first  
4 line of said section six hundred and sixteen (616) and immediately  
5 following the word "within" the words "the limits of any city or town  
6 having a population of five thousand or less or within".

Approved April 16, A. D. 1923.

## CHAPTER 115

## CITIES AND TOWNS

H. F. 477

AN ACT to amend section six hundred forty-two (642), of the code, (C. C. 3511), relating to elections in cities and towns.

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

1 SECTION 1. **Voting in former residence precinct.** That section 642  
2 of the code (C. C. 3511) be and the same is hereby amended by add-  
3 ing to said section the following:

4 "Electors who are registered and otherwise qualified and who change  
5 residence from the precinct where registered to another precinct  
6 within ten days preceding the election, may vote in the precinct where  
7 registered except at elections when councilmen are to be elected by  
8 the voters of a ward or district."

Approved March 23, A. D. 1923.

## CHAPTER 116

## ORDINANCES

S. F. 674

AN ACT to amend section six hundred eighty-six (686) of the code, of 1897, as amended by chapter eighty-four (84) of the acts of the thirty-ninth general assembly (S. C. C. Sec. 3580), relating to publication of ordinances.

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

1 SECTION 1. **Recording—publishing—posting — certification.** That  
2 the law as it appears in section six hundred eighty-six (686) of the  
3 code, 1897, as amended by chapter eighty-four (84) of the acts of the  
4 thirty-ninth (39th) general assembly (S. C. C. Sec. 3580) be and the  
5 same is hereby amended to read as follows: "All ordinances shall,  
6 as soon as may be after their passage, be recorded in a book kept for  
7 that purpose, and be authenticated by the signature of the presiding  
8 officer of the council and the clerk; and all ordinances of a general  
9 or permanent nature, and those imposing any fine, penalty or for-  
10 feiture shall be published in a newspaper published and having a  
11 general circulation in the city or town; and it shall be sufficient defense  
12 to any suit or prosecution for such fine, penalty or forfeiture to show  
13 that no such publication was made; but if no such newspaper is  
14 published within the limits of the corporation, then such ordinances  
15 may be published in a newspaper to be designated by the council,  
16 having a general circulation in such city or town, or by posting up  
17 copies thereof in three public places within the limits thereof, two  
18 of which places shall be the postoffice and the mayor's office of such

19 city or town. When the ordinance is published in a newspaper, it  
 20 shall take effect from and after its publication; when published by  
 21 posting, it shall take effect five days thereafter.

22 Immediately following the record of every ordinance, the clerk shall  
 23 append a certificate, stating therein the time and manner of publica-  
 24 tion thereof, which certificate shall be presumptive evidence of the  
 25 facts therein stated."

Approved April 21, A. D. 1923.

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## CHAPTER 117

### CITIES AND TOWNS

S. F. 499

AN ACT to amend section six hundred ninety-seven (697) of the code, (C. C. 3596), relating to the power of cities and towns over cemeteries.

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

1 SECTION 1. Board of cemetery trustees. Section six hundred  
 2 ninety-seven (697) of the code is amended by inserting after the word  
 3 "cemeteries" and before the semicolon (;) in line seven (7) the fol-  
 4 lowing, to wit:  
 5 "or they may, by ordinance, transfer such duties, and the general  
 6 management of such cemeteries to a board of trustees".

Approved April 9, A. D. 1923.

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## CHAPTER 118

### SANITARY SEWERS

S. F. 304

AN ACT to amend chapter three hundred sixteen (316) of the acts of the thirty-eighth general assembly (C. C. Secs. 3653, 3654) relating to sanitary conditions in cities and towns and granting additional powers to cities and towns and boards of health.

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

1 SECTION 1. Sanitary sewer in "alley." That chapter three hun-  
 2 dred sixteen (316) of the acts of the thirty-eighth general assembly  
 3 (C. C. Secs. 3653, 3654) be amended by inserting after the  
 4 word "street" wherever it appears in lines five and six (5 and 6) in  
 5 section one (1) thereof, and in lines four and five (4 and 5) in section  
 6 two (2) thereof the words "or alley".

Approved February 24, A. D. 1923.



## CHAPTER 119

## PARKS

S. F. 428

AN ACT to repeal chapter forty-six (46) of the laws of the thirty-eighth (38th) general assembly relating to a tax levy for park improvement purposes, and to enact a substitute therefor.

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

1 SECTION 1. **Special park levy.** That chapter forty-six (46) of the  
 2 laws of the thirty-eighth (38th) general assembly be repealed and  
 3 that the following be enacted in lieu thereof:  
 4 In all cities including cities acting under special charters where the  
 5 board of park commissioners shall have, prior to January 1st, nine-  
 6 teen hundred fourteen (1914) made purchase of property for park  
 7 purposes by means of the additional tax of one mill authorized by the  
 8 provisions of chapter fifty-seven (57) of the acts of the thirty-third  
 9 (33rd) general assembly and chapter forty-four (44) of the acts of  
 10 the thirty-fourth (34) general assembly, the said board is authorized,  
 11 in its discretion, to certify to the county auditor for the year nineteen  
 12 hundred twenty-three (1923), and each year succeeding up to and  
 13 including nineteen hundred thirty-five (1935), and cause to be col-  
 14 lected an additional tax of one mill each year to be used for the sole  
 15 and only purpose of grading, beautifying and otherwise improving  
 16 any lands acquired for park purposes by means of the tax so authorized  
 17 or other lands then owned and used for park purposes or for acquiring  
 18 and improving any driveways or boulevards connecting one park with  
 19 another.

Approved March 29, A. D. 1923.

## CHAPTER 120

## PARK IMPROVEMENT BONDS

H. F. 271

AN ACT to amend section two (2), chapter three hundred twelve (312), acts of the thirty-eighth general assembly (C. C. 3675), relating to bonds for park purposes.

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

1 SECTION 1. **Maturity of bonds.** That the law as it appears in  
 2 section two (2), chapter three hundred twelve (312), acts of the  
 3 thirty-eighth general assembly (C. C. 3675), be and the same is hereby  
 4 amended by striking out of line fifteen (15) of said section the word  
 5 "fifteen" and inserting in lieu thereof the word "five".

1 SEC. 2. **Publication clause.** This act being deemed of immediate  
 2 importance shall be in full force and effect from and after its publica-

3 tion in the Des Moines Capital and Des Moines Register, two news-  
4 papers printed and published in Des Moines, Iowa.

Approved January 27, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
January 28, 1923, and the Des Moines Capital January 29, 1923.

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

## CHAPTER 121

### PARKS

S. F. 427

AN ACT to repeal section eight hundred fifty-p (850-p) supplemental supplement to the code, nineteen hundred fifteen (1915), (S. C. C. Sec. 3684), as amended by chapter fifty-eight (58) of the laws of the thirty-eighth (38th) general assembly and by chapter twenty-six (26) of the laws of the thirty-ninth general assembly relating to tax levy for park purposes for the improvement of lakes by dredging or otherwise deepening the same, constructing dikes and levees and changing the form and size thereof, improving such lakes and park lands surrounding the same and for other purposes and adopting a substitute therefor.

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

1 SECTION 1. **Special park levy.** That section eight hundred fifty-p  
2 (850-p), supplemental supplement to the code, 1915 (S. C. C. Sec.  
3 3684), as amended by chapter fifty-eight (58) of the laws of the  
4 thirty-eighth general assembly, and by chapter twenty-six (26) of  
5 the laws of the thirty-ninth general assembly, be repealed, and the  
6 following enacted in lieu thereof:

7 That where any city has, prior to July 1st, eighteen hundred eighty  
8 (1880), received a grant of the title from the United States to a  
9 meandered lake within its corporate limits, to be held and used for  
10 public uses, recreation and park purposes, and where such city has,  
11 for more than twenty years devoted the same to the public use,  
12 recreation and park purposes, its board of park commissioners is  
13 authorized, in the discretion of said board to certify to the county  
14 auditor and cause to be collected an additional tax of not exceeding  
15 one mill each year commencing with the year nineteen hundred  
16 twenty-three (1923) and continuing to and including the year nine-  
17 teen hundred thirty-five (1935), to be used for the sole and only  
18 purpose of improving such lake by dredging or otherwise deepening  
19 the same, constructing dikes and levees for the protection of the same  
20 and for changing the form and size thereof, and for the regulation,  
21 control and improvement of the water supply and for the improvement  
22 and beautifying of such lake, the park land surrounding the same  
23 and for the furnishing of suitable equipment thereof for public use  
24 and pleasure.

Approved March 29, A. D. 1923.

## CHAPTER 122

## CITIES AND TOWNS

S. F. 740

AN ACT to amend section eight hundred seventy-nine-r (879-r), supplemental supplement to the code, 1915, (C. C. 3734) relating to the power of cities to provide playgrounds, and to authorize the equipment and maintenance of playgrounds and recreation centres on lands and in buildings owned by the city.

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

1 SECTION 1. **Playgrounds.** That section eight hundred seventy-  
2 nine-r (879-r), supplemental supplement to the code, 1915, be and the  
3 same is hereby amended by striking out the period (.) at the end of  
4 the first paragraph of said section, and inserting a comma (,) in lieu  
5 thereof, and by adding to said paragraph the words: "or shall vote  
6 for the equipment and maintenance of playgrounds and recreation  
7 centres on lands or in buildings already owned by such city."

1 SEC. 2. **Questions submitted.** That section eight hundred seventy-  
2 nine-r (879-r), supplemental supplement to the code, 1915, be further  
3 amended by inserting after the interrogation point in the ninth line  
4 from the end of said section the following: "or the following question  
5 may be submitted, 'Shall the city of (name of city) establish play-  
6 grounds and recreation centres on lands already owned or to be leased  
7 by the city?'"

Approved April 21, A. D. 1923.

## CHAPTER 123

## PLAYGROUNDS

S. F. 528

AN ACT relating to playground maintenance fund in cities and to govern the use of said fund.

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

1 SECTION 1. **Playground fund.** That in all cities where under sec-  
2 tion eight hundred seventy-nine-r (879-r), supplemental supplement  
3 to the code, 1915, the purchase of playgrounds, and the issuance of  
4 bonds therefor, have been authorized by the voters at an election held  
5 as provided in said section, the city council shall have authority to  
6 levy and use the playground fund authorized by section eight hundred  
7 seventy-nine-u (879-u), supplemental supplement to the code, 1915,  
8 in the equipment and maintenance of all playgrounds owned and  
9 operated by said city, and to cooperate with the school board or boards  
10 within said city in providing for joint operation and maintenance, and

11 for unified control of all public playgrounds maintained within said  
12 city.

Approved March 29, A. D. 1923.

## CHAPTER 124

### CITIES AND TOWNS

S. F. 645

AN ACT to amend section one (1) of chapter two hundred and ten (210) acts of the thirty-ninth (39th) general assembly (S. C. C. 3878), relating to contracts and maintenance bonds for street and sewer improvements.

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

1 SECTION 1. Bond to repair—exception. That section one (1) of  
2 chapter two hundred and ten (210) acts of the thirty-ninth (39th)  
3 general assembly (S. C. C. 3878), be and the same is hereby amended  
4 by striking from line seven (7) thereof the words “except a street  
5 improvement by graveling” and inserting in lieu thereof the follow-  
6 ing, viz: “except contracts for street repair and contracts for street  
7 improvement by graveling or oiling or both.”

1 SEC. 2. Publication clause. This act being deemed of immediate  
2 importance, shall take effect and be in force from and after its publi-  
3 cation in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in the city of Des Moines, Iowa.

Approved April 6, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 7, 1923, and the Des Moines Register April 8, 1923.

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

## CHAPTER 125

### CITIES AND TOWNS

S. F. 715

AN ACT to amend section eight hundred thirty-nine (839), code of 1897 (C. C. Sec. 3903), relating to special assessments and appeals therefrom.

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

SECTION 1. Appeal—notice—bond—petition—trial—order — costs.  
1 That the law as it appears in section eight hundred thirty-nine (839),  
2 code of 1897, (C. C. Sec. 3903) be, and the same is hereby amended  
3 by striking out all of said section and by substituting in lieu thereof  
4 the following: Any person affected by the levy of any special assess-

5 ment provided for in this chapter may appeal therefrom to the district  
 6 court as hereinafter provided. The person appealing shall be desig-  
 7 nated as plaintiff and the city or town as defendant, and a written  
 8 notice of appeal, directed to such defendant and served upon either  
 9 the mayor or clerk thereof as original notices in ordinary actions are  
 10 served, at any time within fifteen (15) days from the date of such  
 11 levy and within the same time filing in the office of said city or town  
 12 clerk a bond for the payment of all costs which may be adjudged  
 13 against the plaintiff which bond shall be approved by either the mayor  
 14 or clerk thereof or by the clerk of the said district court, in a sum  
 15 amounting to at least five per cent of plaintiff's assessment appealed  
 16 from, but in no event less than two hundred fifty dollars, shall be  
 17 sufficient to give the district court jurisdiction of said appeal and the  
 18 subject matter thereof; provided further, however, that such plain-  
 19 tiff shall, on or before the first day of the next term of said district  
 20 court after said notice of appeal is served, file in the office of the  
 21 clerk of such district court a petition stating as briefly as may be  
 22 the grounds of complaint. Upon such appeal, all questions touching  
 23 the validity of such assessments or amount thereof and not waived  
 24 under the provisions of this chapter shall be heard and determined.  
 25 The appeal shall be tried as an equitable action and the court may  
 26 make such assessment as should have been made or direct the making  
 27 of such assessment by the city or town council. The costs of the  
 28 appeal shall be taxed as in other actions.

1 **SEC. 2. Publication clause.** This act being deemed of immediate  
 2 importance shall take effect and be in force from and after the date  
 3 of its publication in the Des Moines Register and the Des Moines  
 4 Capital, both newspapers published in Des Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
 April 25, 1923, and the Des Moines Capital April 27, 1923.

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

## CHAPTER 126

### HIGHWAYS

S. F. 308

AN ACT to amend section one (1) of chapter two hundred thirty (230) of the acts  
 of the thirty-ninth general assembly, (C. C. Sup. Sec. 3922-a1), relating to the pay-  
 ment of cost of paving extensions of primary roads within cities and to extend the  
 provisions thereof to include other cities.

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

1 **SECTION 1. City paving—primary road fund.** That section one (1)  
 2 of chapter two hundred thirty (230) of the acts of the thirty-ninth  
 3 general assembly, (C. C. sup. sec. 3922-a1), be and the same is hereby  
 4 amended by inserting after the "comma" (,) following the word

5 "city" in line one thereof the following: "including cities under spe-  
6 cial charter".

1 **SEC. 2. Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its publi-  
3 cation in the Des Moines Register and the Des Moines Capital, news-  
4 papers published at Des Moines, Iowa.

Approved March 29, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
March 31, 1923, and the Des Moines Register April 1, 1923.

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

## CHAPTER 127

### HIGHWAYS

H. F. 533

AN ACT to amend section two (2), chapter two hundred thirty (230), acts of the thirty-  
ninth general assembly (S. C. C. 3922-a2), relating to paving extension of primary  
roads within cities.

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

1 **SECTION 1. Width of paving.** That section two (2), chapter two  
2 hundred thirty (230), acts of the thirty-ninth general assembly be  
3 and the same is hereby amended by striking out of lines seven (7)  
4 and eight (8) after the comma following the word "proposed" in line  
5 seven (7) the following: "not exceeding eighteen feet in width,".

1 **SEC. 2. Publication clause.** This act being deemed of immediate  
2 importance shall take effect and be in full force from and after its  
3 publication in the Des Moines Register and Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 128

## CITIES AND TOWNS

S. F. 325

AN ACT to amend chapter two hundred eighty-five (285), acts of the thirty-eighth general assembly (C. C. 3944, 3949, 3950), providing for the protection of cities from damage by floods.

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

1 SECTION 1. **Special assessment.** That section nine (9) of chapter  
2 two hundred eighty-five (285), acts of the thirty-eighth (38) general  
3 assembly, be amended by substituting therefor the following: "Sec-  
4 tion 9. When the work is contracted for as herein provided, the  
5 council shall assess the lands and other property included within the  
6 improvement district for such part of the cost of the improvement as  
7 shall be equal and in proportion to the benefit conferred by the im-  
8 provement, but not in excess of twenty-five per cent of the value of  
9 said lands and other property after the improvement shall have been  
10 made."

1 SEC. 2. **Filling channel and assessment.** That section fourteen (14)  
2 of chapter two hundred eighty-five (285), acts of the thirty-eighth  
3 (38) general assembly, be amended by adding after the word "im-  
4 provement" the following: "and there may be included as a part of  
5 the improvement the work of filling the old channel at other places  
6 than at the intersection of the same by a street or alley and, if  
7 included, the city engineer shall be required to furnish plans and  
8 specifications, estimates, plats and schedules and the ownership and  
9 value of each lot or parcel of land in the old channel; and, when the  
10 improvement is completed, the council shall assess the cost of such  
11 filling against the lots and land or parts of lots or land in the channel  
12 wholly or partly filled. The limitation in section seven hundred ninety-  
13 two-a (792-a) of the supplement to the code, 1913, relative to twenty-  
14 five per cent of the value, shall not be applicable in the assessment  
15 of the cost or said work of filling, "provided, however, that such cost  
16 shall not exceed the benefits conferred on the tract so filled."

Note: The word "or" in line 15 evidently should be "of".

1 SEC. 3. **Tax levy.** That section fifteen (15) chapter two hundred  
2 eighty-five (285), acts of the thirty-eighth (38) general assembly, be  
3 amended by striking therefrom the words "where it is to be aban-  
4 doned" in the sixth line thereof, and substituting the words "as or-  
5 dered by the council."

1 SEC. 4. **Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect upon and after its publi-  
3 cation in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 17, 1923, and the Des Moines Register April 18, 1923.

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

## CHAPTER 129

## CITIES AND TOWNS

S. F. 422

AN ACT to amend chapter eighty-five (85) acts of the thirty-eighth general assembly (C. C. 3974, 3978), relating to the powers of cities and towns with reference to waterworks, heating plants, gas works or electric light or electric power plants.

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

1 SECTION 1. **Trustees for public utilities.** That chapter eighty-five  
2 (85) acts of the thirty-eighth general assembly (C. C. 3974, 3978) be  
3 and the same is hereby amended by striking from line six (6) of sec-  
4 tion one (1) the words and figures as follows: "thirty-five thousand  
5 (35,000)" and substituting in lieu therefor the words and figures "fifty  
6 thousand (50,000)." Also by striking from line two (2) of section  
7 five (5) the words and figures "thirty-five thousand (35,000)" and in-  
8 serting in lieu thereof the words and figures "fifty thousand (50,000)".

Approved March 20, A. D. 1923.

## CHAPTER 130

## BOARD OF WATERWORKS TRUSTEES

H. F. 671

AN ACT to amend the law as it appears in sections nine (9), eleven (11), thirteen (13) and fourteen (14) of chapter two hundred eighty-eight (288), acts of the thirty-eighth general assembly (C. C. 4002, 4004, 4006, 4007), relating to waterworks in cities now and hereafter having a population of one hundred thousand (100,000) inhabitants or over, including cities acting under the commission form of government.

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

1 SECTION 1. **Duty of trustees.** That the law as it appears in sec-  
2 tion nine (9) of chapter two hundred eighty-eight (288), acts of the  
3 thirty-eighth general assembly, be and the same is hereby amended  
4 by striking out of said act all of said section, and inserting in lieu  
5 thereof the following: "The board of waterworks trustees shall have  
6 supervision over and be responsible for all details of administration  
7 and operation of said waterworks, the board to determine all ques-  
8 tions of engineering, mechanical and operating details, extensions of  
9 mains, except as otherwise specifically provided, and other improve-  
10 ments and betterments of said waterworks, and report to the council  
11 at such stated periods as the council may determine all information  
12 necessary for its guidance in the issuance of bonds and the perform-  
13 ance of such other duties as may be required of it under said chapter  
14 two hundred eighty-eight (288), acts of the thirty-eighth general  
15 assembly, as amended, it being the intent and purpose of this act to



16 give such board of waterworks trustees complete management and  
17 control of said waterworks, together with all land and property now  
18 or heretofore held and used in connection therewith, with the right  
19 to make all necessary contracts pertaining to the operation, main-  
20 tenance, extensions and improvements of the same, as well as the  
21 right to sue and be sued."

1 SEC. 2. Rates. That the law as it appears in section eleven (11)  
2 of chapter two hundred eighty-eight (288), acts of the thirty-eighth  
3 general assembly, be and the same is hereby amended by striking out  
4 all of said section, and inserting in lieu thereof the following: "The  
5 board of waterworks trustees, in all such cities owning and operating  
6 a waterworks under this act, shall determine the rates to be charged  
7 for water. In fixing the rate to be paid by the city for water for  
8 public uses the board shall take into consideration the quantity used  
9 and fix the rate accordingly but in no event shall such rate exceed  
10 an annual rental or rate of three hundred fifty dollars (\$350.00) for  
11 each mile of main pipe laid and in operation, including hydrant con-  
12 nections, and not including more than one line of pipe on the same  
13 street, and not including any pipe less than six inches in diameter  
14 laid since August 17, 1896.

15 Rates to private consumers and to the city shall be so fixed as to  
16 produce an amount which with other revenues collectible shall be  
17 sufficient to cover:

18 1. Interest on the entire outstanding indebtedness of said water-  
19 works including that portion that is a general obligation against the  
20 city.

21 2. The cost of all operating expenses including insurance against  
22 legal liability and payment of judgment resulting from such liability.

23 3. A sufficient sum by way of a depreciation fund to cover such  
24 repairs and replacement as may properly be charged against such fund.

25 4. A sufficient annual provision for a sinking fund to fully pay at  
26 maturity all bonds and certificates which by their terms are payable  
27 out of the special tax provided for in this chapter, or out of the earn-  
28 ings of the property purchased under the powers herein granted.

29 5. A surplus in addition to the requirements set out in the last  
30 four (4) preceding paragraphs to be used as a working capital of not  
31 to exceed one hundred twenty-five thousand dollars (\$125,000.00),  
32 provided, however, that the board may absorb all surplus in excess of  
33 fifty thousand dollars (\$50,000.00) by reducing water rates to con-  
34 sumers and must so absorb all such surplus in excess of one hundred  
35 twenty-five thousand dollars (\$125,000.00).

36 If necessary to procure funds the city is hereby authorized to levy  
37 a sufficient tax as provided in paragraph five (5) of section eight hun-  
38 dred ninety-four (894) of the code and the acts amendatory thereto  
39 to provide funds to pay for the water used by such city for public uses.

40 The sums payable by the city for water furnished as herein pro-  
41 vided shall hereafter be paid by the city in May of each year for the  
42 last six months of the preceding year, and in November of each year  
43 for the first six months of that current year. In any city now affected  
44 by this act the first payment herein provided for shall be made in  
45 May, 1924, and shall be for the last six months period of 1923.

1 SEC. 3. Free water service. That the law as it appears in section  
2 thirteen (13), chapter two hundred eighty-eight (288), acts of the

3 thirty-eighth general assembly, be and the same is hereby amended  
 4 by inserting in the first line thereof after the word "person" the  
 5 words "or corporation" and inserting between the word "public" and  
 6 the period in line three (3) the following: "except as herein provided".

1 **SEC. 4. Extension of mains.** That the law as it appears in section  
 2 fourteen (14), chapter two hundred eighty-eight (288), acts of the  
 3 thirty-eighth general assembly, be and the same is hereby amended  
 4 by inserting after the word "extensions" in line six (6) thereof the  
 5 following: "It shall be the duty of the city council, immediately after  
 6 the passage of any ordinance or resolution, ordering any street im-  
 7 provement or sewer upon any street or streets, in which a water main  
 8 should be laid or extended prior to such improvement as indicated by  
 9 a majority vote of the council, to give notice in writing to the board  
 10 of waterworks trustees of such action, and to forward to said board  
 11 a copy of such resolution or ordinance ordering the said improvement.  
 12 On receipt of said notice, the board shall proceed without unnecessary  
 13 delay to cause mains to be laid or extended in those streets affected  
 14 by the resolution or ordinance."

1 **SEC. 5. Publication clause.** This act being deemed of immediate  
 2 importance shall be in full force and effect on and after its passage  
 3 and publication in the Evening Tribune and Des Moines Capital, news-  
 4 papers published in Des Moines, Iowa.

Approved April 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Evening Tribune April  
 11, 1923, and the Des Moines Capital April 11, 1923.

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

## CHAPTER 131

### POLL TAX

S. F. 381

AN ACT to amend chapter one hundred ninety-one (191), acts of the thirty-ninth (39th)  
 general assembly, (S. C. C. 4036-a1, 4036-a2, 4036-a3), relative to poll tax and pro-  
 viding a penalty, for non-payment.

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

1 **SECTION 1. Demand for payment—notice—penalty.** That chapter  
 2 one hundred ninety-one (191), acts of the thirty-ninth (39th) general  
 3 assembly, be amended by inserting the words: "and within fifteen  
 4 (15) days after receipt of the demand for payment by the clerk", after  
 5 the word "year" in line eight (8), and by inserting the words: "by  
 6 serving a personal notice or", after the word "made" in line fourteen  
 7 (14), and by inserting the words: "and penalty of not more than two  
 8 dollars" after the word "same" in line twenty-one (21), (S. C. C.  
 9 4036-a1, 4036-a2, 4036-a3).

Approved April 16, A. D. 1923.

## CHAPTER 132

## SPECIAL CHARTER CITIES

S. F. 637

AN ACT to extend the provisions of section thirteen hundred six-b (1306-b) of the supplement to the code, 1913, as amended (C. C. 4054) so as to apply to special charter cities having a population of less than two thousand.

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

1 SECTION 1. **Amount of indebtedness limited.** The provisions of  
2 section thirteen hundred six-b (1306-b) supplement to the code, 1913,  
3 as amended (C. C. 4054) be and the same are hereby extended so as  
4 to be applicable to and include cities under special charter having a  
5 population of less than two thousand.

1 SEC. 2. **Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its publi-  
3 cation in the Des Moines Register and the Des Moines Capital, news-  
4 papers published at Des Moines, Iowa.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 17, 1923, and the Des Moines Register April 18, 1923.

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

## CHAPTER 133 .

## CITIES AND TOWNS

H. F. 678

AN ACT authorizing cities and towns and cities acting under special charter to provide hospital, nursing and medical attention for the members of the police and fire departments of such cities, injured while in the performance of their duties.

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

1 SECTION 1. **Medical services for policemen and firemen.** Cities and  
2 towns, including cities acting under special charter, are hereby author-  
3 ized and empowered to provide hospital, nursing and medical atten-  
4 tion for the members of the police and fire departments of such cities,  
5 when injured while in the performance of their duties as members  
6 of such department, and the cost of such hospital, nursing and medical  
7 attention shall be paid out of the appropriation for the department  
8 to which such injured person belongs, provided that any amounts  
9 received by such injured person under the workmen's compensation  
10 law of the state of Iowa, or from any other source for such specific  
11 purposes, shall be deducted from the amount paid by such city or  
12 town under the provisions of this act.

Approved April 20, A. D. 1923.

## CHAPTER 134

## BUILDING RESTRICTIONS

## ZONING COMMISSION

S. F. 665

AN ACT granting to any city or town, including cities acting under the commission plan of government and special charter cities, the power to appoint a zoning commission and to prescribe its duties; to divide the city or town into districts with respect to the development and uses of the property therein; and to adopt uniform rules for such property which may affect the general welfare; to provide for the appointment of a board of adjustment and to prescribe its duties; to institute appropriate action or proceedings in case of violation of this act or of any ordinance or other regulation made under authority conferred thereby; and providing for appeals from the action of the board of adjustment, and from the city council, and prescribing notice and hearing of such appeal; also providing that when any city or town avails itself of the provisions of this act, the provisions of chapter one hundred thirty-eight (138) acts of the thirty-seventh general assembly and acts amendatory thereof, shall be inoperative and void.

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

1     **SECTION 1. Building restrictions.** That for the purpose of pro-  
 2 moting the health, safety, morals or the general welfare of the com-  
 3 munity, any city or town, including cities acting under the commission  
 4 plan of government and special charter cities, is hereby empowered  
 5 to regulate and restrict the height, number of stories and size of  
 6 buildings and other structures, the percentage of lot that may be  
 7 occupied, the size of yards, courts and other open spaces, the density  
 8 of population, and the location and use of buildings, structures and  
 9 land for trade, industry, residence or other purposes.

1     **SEC. 2. Districts and restrictions therein.** For any or all of said  
 2 purposes the local legislative body, hereinafter referred to as the  
 3 council, may divide the city or town into districts of such number,  
 4 shape and area as may be deemed best suited to carry out the purposes  
 5 of this act; and within such districts it may regulate and restrict the  
 6 erection, construction, reconstruction, alteration, repair or use of build-  
 7 ings, structures or land. All such regulations and restrictions shall  
 8 be uniform for each class or kind of buildings throughout each district,  
 9 but the regulations in one district may differ from those in other  
 10 districts.

1     **SEC. 3. Standard for regulations.** Such regulations shall be made  
 2 in accordance with a comprehensive plan and designed to lessen con-  
 3 gestion in the streets; to secure safety from fire, panic and other dan-  
 4 gers; to promote health and the general welfare; to provide adequate  
 5 light and air, to prevent the overcrowding of land; to avoid undue  
 6 concentration of population; to facilitate the adequate provision of  
 7 transportation, water, sewerage, schools, parks and other public re-  
 8 quirements. Such regulations shall be made with reasonable con-  
 9 sideration, among other things, as to the character of the area of the  
 10 district and the peculiar suitability of such area for particular uses,  
 11 and with a view to conserving the value of buildings and encouraging  
 12 the most appropriate use of land throughout such city or town.

1     **SEC. 4. Hearings.** The council of such city or town shall provide  
2 for the manner in which such regulations and restrictions and the  
3 boundaries of such districts shall be determined, established and en-  
4 forced, and from time to time amended, supplemented or changed.

5     However, no such regulation, restriction or boundary shall become  
6 effective until after a public hearing in relation thereto, at which  
7 parties in interest and citizens shall have an opportunity to be heard.

8     At least fifteen days notice of the time and place of such hearing  
9 shall be published in a paper of general circulation in such city or town.

1     **SEC. 5. Amendments and changes.** Such regulations, restrictions  
2 and boundaries may, from time to time, be amended, supplemented,  
3 changed, modified or repealed. In case, however, of a protest against  
4 such change signed by the owners of twenty per cent or more either  
5 of the area of the lots included in such proposed change, or of those  
6 immediately adjacent in the rear thereof extending the depth of one  
7 lot or not to exceed 200 feet therefrom, or of those directly opposite  
8 thereto, extending the depth, of one lot or not to exceed 200 feet from  
9 the street frontage of such opposite lots, such amendment shall not  
10 become effective except by the favorable vote of at least three-fourths  
11 of all the members of the council.

12     The provisions of the previous section relative to public hearings  
13 and official notice shall apply equally to all changes or amendments.

1     **SEC. 6. Zoning commission.** In order to avail itself of the powers  
2 conferred by this act, the council shall appoint a commission, to be  
3 known as the zoning commission, to recommend the boundaries of  
4 the various original districts, and appropriate regulations and restric-  
5 tions to be enforced therein. Where a city plan commission already  
6 exists, it may be appointed as the zoning commission.

7     Such commission shall, with due diligence, prepare a preliminary  
8 report and hold public hearings thereon before submitting its final  
9 report; and such council shall not hold its public hearings or take  
10 action until it has received the final report of such commission.

11     After the adoption of such regulations, restrictions and boundaries  
12 of districts, the zoning commission may, from time to time, recom-  
13 mend to the council amendments, supplements, changes or modifica-  
14 tions.

1     **SEC. 7. Board of adjustment.** The council shall provide for the  
2 appointment of a board of adjustment and in the regulations and  
3 restrictions adopted pursuant to the authority of this act shall pro-  
4 vide that the said board of adjustment may in appropriate cases and  
5 subject to appropriate conditions and safeguards make special excep-  
6 tions to the terms of the ordinances in harmony with its general  
7 purpose and intent and in accordance with general or specific rules  
8 therein contained and provide that any property owner aggrieved  
9 by the action of the council in the adoption of such regulations and  
10 restrictions may petition the said board of adjustment direct to mod-  
11 ify regulations and restrictions as applied to such property owners.

12     The board of adjustment shall consist of five members each to be  
13 appointed for a term of five years, excepting that when the board  
14 shall first be created one member shall be appointed for a term of  
15 five years, one for a term of four years, one for a term of three years,  
16 one for a term of two years, and one for a term of one year. Members  
17 shall be removable for cause by the appointing authority upon writ-

18 ten charges and after public hearing. Vacancies shall be filled for  
19 the unexpired term of any member whose term becomes vacant.

20 The board shall adopt rules in accordance with the provisions of  
21 any ordinance adopted pursuant to this act. Meetings of the board  
22 shall be held at the call of the chairman and at such other times as  
23 the board may determine. Such chairman, or in his absence, the  
24 acting chairman, may administer oaths and compel the attendance  
25 of witnesses. All meetings of the board shall be open to the public.  
26 The board shall keep minutes of its proceedings, showing the vote  
27 of each member upon each question, or if absent or failing to vote,  
28 indicating such fact, and shall keep records of its examinations and  
29 other official actions, all of which shall be immediately filed in the  
30 office of the board and shall be a public record.

31 Appeals to the board of adjustment may be taken by any person  
32 aggrieved or by any officer, department, board or bureau of the  
33 municipality affected by any decision of the administrative officer.  
34 Such appeal shall be taken within a reasonable time as provided by  
35 the rules of the board by filing with the officer from whom the appeal  
36 is taken and with the board of adjustment a notice of appeal specifying  
37 the grounds thereof. The officer from whom the appeal is taken  
38 shall forthwith transmit to the board all the papers constituting the  
39 record upon which the action appealed from was taken.

40 An appeal stays all proceedings in furtherance of the action ap-  
41 pealed from, unless the officer from whom the appeal is taken cer-  
42 tifies to the board of adjustment after the notice of appeal shall have  
43 been filed with him that by reason of facts stated in the certificate  
44 a stay would in his opinion cause imminent peril to life or property.  
45 In such case proceedings shall not be stayed otherwise than by a  
46 restraining order which may be granted by the board of adjustment  
47 or by a court of record on application on notice to the officer from  
48 whom the appeal is taken and on due cause shown.

49 The board of adjustment shall have the following powers:

50 (1) To hear and decide appeals where it is alleged there is error  
51 in any order, requirement, decision or determination made by an  
52 administrative official in the enforcement of this act or of any ordi-  
53 nance adopted pursuant thereto.

54 (2) To hear and decide special exceptions to the terms of the  
55 ordinance upon which such board is required to pass under such  
56 ordinance.

57 (3) To authorize upon appeal in specific cases such variance from  
58 the terms of the ordinance as will not be contrary to the public inter-  
59 est, where owing to special conditions a literal enforcement of the  
60 provisions of the ordinance will result in unnecessary hardship, and  
61 so that the spirit of the ordinance shall be observed and substantial  
62 justice done.

63 In exercising the above mentioned powers such board may, in  
64 conformity with the provisions of this act, reverse or affirm, wholly  
65 or partly, or may modify the order, requirement, decision or determi-  
66 nation appealed from and may make such order, requirement, deci-  
67 sion or determination as ought to be made, and to that end shall have  
68 all the powers of the officer from whom the appeal is taken.

69 The concurring vote of three members of the board shall be neces-  
70 sary to reverse any order, requirement, decision or determination of

Note: The word "enforcement" in line 59 evidently should be "enforcement".

71 any such administrative official, or to decide in favor of the applicant  
72 on any matter upon which it is required to pass under any such  
73 ordinance or to effect any variation in such ordinance.

74 Any person or persons, jointly or severally aggrieved by any deci-  
75 sion of the board of adjustment under the provisions of this act, or  
76 any taxpayer, or any officer, department, board or bureau of the mu-  
77 nicipality, may present to a court of record a petition, duly verified,  
78 setting forth that such decision is illegal, in whole or in part, specify-  
79 ing the grounds of the illegality. Such petition shall be presented  
80 to the court within thirty days after the filing of the decision in the  
81 office of the board.

82 Upon the presentation of such petition, the court may allow a  
83 writ of certiorari directed to the board of adjustment to review such  
84 decision of the board of adjustment and shall prescribe therein the  
85 time within which a return thereto must be made and served upon  
86 the relator's attorney, which shall not be less than ten days and may  
87 be extended by the court. The allowance of the writ shall not stay  
88 proceedings upon the decision appealed from, but the court may, on  
89 application, on notice to the board and on due cause shown, grant a  
90 restraining order.

91 The board of adjustment shall not be required to return the original  
92 papers acted upon by it, but it shall be sufficient to return certified  
93 or sworn copies thereof or of such portions thereof as may be called  
94 for by such writ. The return shall concisely set forth such other  
95 facts as may be pertinent and material to show the grounds of the  
96 decision appealed from and shall be verified.

97 If upon the hearing which shall be tried de novo it shall appear  
98 to the court that testimony is necessary for the proper disposition  
99 of the matter, it may take evidence or appoint a referee to take such  
100 evidence as it may direct and report the same to the court with his  
101 findings of fact and conclusions of law, which shall constitute a part  
102 of the proceedings upon which the determination of the court shall  
103 be made. The court may reverse or affirm, wholly or partly, or may  
104 modify the decision brought up for review.

105 Costs shall not be allowed against the board, unless it shall appear  
106 to the court that it acted with gross negligence or in bad faith or  
107 with malice in making the decision appealed from.

108 All issues in any proceedings under this section shall have prefer-  
109 ence over all other civil actions and proceedings.

1 SEC. 8. Action to restrain. In case any building or structure is  
2 erected, constructed, reconstructed, altered, repaired, converted or  
3 maintained; or any building, structure or land is used in violation of  
4 this act or of any ordinance or other regulation made under authority  
5 conferred thereby, the council, in addition to other remedies, may  
6 institute any appropriate action or proceedings to prevent such un-  
7 lawful erection, construction, reconstruction, alteration, repair, con-  
8 version, maintenance or use, to restrain, correct or abate such viola-  
9 tion, to prevent the occupancy of said building, structure or land, or  
10 to prevent any illegal act, conduct, business or use in or about such  
11 premises.

1 SEC. 9. Priority of statutes. Wherever the regulations made under  
2 authority of this act require a greater width or size of yards, courts  
3 or other open spaces, or require a lower height of building or less

4 number of stories, or require a greater percentage of lot to be left  
5 unoccupied, or impose other higher standards than are required in  
6 any other statute or local ordinance or regulation, the provisions of  
7 the regulations made under authority of this act shall govern.

8 Wherever the provisions of any other statute or local ordinance or  
9 regulation require a greater width or size of yards, courts or other  
10 open spaces, or require a lower height of building or a less number of  
11 stories, or require a greater percentage of lot to be left unoccupied,  
12 or impose other higher standards than are required by the regula-  
13 tions made under authority of this act, the provisions of such statute  
14 or local ordinance or regulation shall govern.

1 **SEC. 10. Applicability of statutes.** When any city or town shall  
2 have taken advantage of and proceeded under the provisions of this act  
3 then chapter 138 of the acts of the 37th general assembly and acts  
4 amendatory thereof shall be no longer operative as to such city or  
5 town.

1 **SEC. 11. Publication clause.** This act, being deemed of immediate  
2 importance, shall take effect and be in force when published in the  
3 Des Moines Capital and the Des Moines Register, newspapers pub-  
4 lished in Des Moines, Iowa.

Approved April 24, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 25, 1923, and the Des Moines Register April 26, 1923.

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

## CHAPTER 135

### COMMISSION FORM OF CITY GOVERNMENT

H. F. 379

AN ACT to amend section one (1) and to repeal section four (4) of chapter one hundred  
nine (109), acts of the thirty-ninth general assembly (S. C. C. 4219 and 4219-a2),  
relating to election of officers of cities under the commission form of government.

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

1 **SECTION 1. Repeal.** That section four (4), chapter one hundred  
2 and nine (109) acts of the thirty-ninth general assembly be and the  
3 same is hereby repealed.

1 **SEC. 2. Grouping of departments.** That chapter 109, acts of the  
2 thirty-ninth general assembly be and the same is hereby amended by  
3 striking therefrom the phrase, "superintendent of accounts and  
4 finances, and parks and public property" wherever it appears in said  
5 act and inserting in lieu thereof the phrase, "superintendent of ac-  
6 counts, finances and public safety"; also, by striking from section one  
7 (1) of said act the phrase, "superintendent of public safety and  
8 streets and public improvements" wherever it therein appears and  
9 by inserting in lieu thereof the phrase, "superintendent of parks,  
10 public property, streets and improvements"; also, by striking from



11 said act lines 72 to 75 both inclusive and inserting in lieu thereof  
 12 the following: "twenty-five thousand (25,000) the departments of  
 13 "accounts and finances" and "public safety" shall be presided over by  
 14 one and the same person; and the departments of "parks and public  
 15 property" and "streets and public improvements" shall be presided  
 16 over by one and".

Approved March 29, A. D. 1923.

## CHAPTER 136

### CITIES AND TOWNS

H. F. 328

AN ACT to amend section ten hundred fifty-six-a fifty-nine (1056-a59), supplement to the code, 1913, (C. C. 4264) relating to tax levies in cities under commission form of government.

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

1 SECTION 1. **Equipment for police department.** That section ten  
 2 hundred fifty-six-a fifty-nine (1056-a59), supplement to the code, 1913,  
 3 (C. C. 4264) be and the same is hereby amended by striking from said  
 4 section the word "eighty" as it therein appears, and that the word  
 5 "seventy" be inserted in lieu thereof.

1 SEC. 2. **Publication clause.** This act being deemed of immediate  
 2 importance shall be in full force and effect from and after its pub-  
 3 lication in the Des Moines Capital and Iowa Forum, newspapers pub-  
 4 lished in Des Moines, Iowa.

Approved February 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital February 16, 1923, and in the Iowa Forum February 21, 1923.

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

## CHAPTER 137

## CITIES AND TOWNS

S. F. 618

AN ACT conferring additional powers on certain cities organized under chapter forty-eight of the acts of the thirty-second general assembly of Iowa and amendments thereto (C. C. title XIII, Chapt. 39), and providing for the acquisition by purchase or condemnation of land along and adjacent to meandered streams, and the improvement of land so acquired, and authorizing the issuance of bonds in payment of the cost of acquiring and improving same, and the levy of a tax for the improvement of said land and the payment of said bonds and the interest thereon.

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

**SECTION 1. Improvement of river channels—acquisition of lands.**

1 That all cities which have heretofore, or shall hereafter adopt the  
 2 plan of government provided in chapter forty-eight (48) of the  
 3 acts of the thirty-second general assembly of Iowa, and the amend-  
 4 ments thereto (C. C. Title XIII, Chap. 39), and which have their  
 5 corporate limits divided by a meandered stream, and which have a  
 6 population of thirty-five thousand (35,000) or more according to the  
 7 last preceding state or federal census, shall have power to acquire  
 8 land along or adjacent to such stream as may be deemed desirable  
 9 by the council of any such city for park purposes, or as sites for  
 10 public buildings, or shall, by such council, be deemed necessary for  
 11 the widening, straightening, and improving of the channel of such  
 12 stream and the improvement of the banks thereof, by purchase, or  
 13 by condemnation in the manner provided by law for the taking of  
 14 private property for public use, and shall have power to improve said  
 15 land for public purposes.

1 **SEC. 2. Power to lease.** Such cities may temporarily lease any  
 2 property so acquired when, in the judgment of the city council, public  
 3 interests or welfare will thereby be subserved.

1 **SEC. 3. Election—bonds—tax.** The city councils of any such  
 2 cities may submit to the electors thereof at a regular city election  
 3 or at a special election called by the city council for that purpose,  
 4 the question of the issuance of bonds to provide for the payment  
 5 of land to be acquired under the provisions of the preceding section,  
 6 and for permanently improving the same for public purposes, and  
 7 if a majority of the electors voting at any such election shall vote  
 8 in favor thereof the city council may issue bonds maturing not more  
 9 than fifty (50) years from date of issuance, or serially within such  
 10 period, payable at such place and of such form as the city council  
 11 may by ordinance designate, and in an amount not in excess of that  
 12 authorized by said electors. In issuing such bonds, such cities may  
 13 become indebted in an amount which, added to all other indebtedness,  
 14 shall not exceed five per centum (5%) of the actual value of the  
 15 taxable property in such city as shown by the last preceding assess-  
 16 ment roll. For the purpose of providing for the payment of said  
 17 bonds and the interest thereon, such cities shall have the power to  
 18 levy upon all the taxable property within the limits thereof, an annual  
 19 tax of not exceeding five (5) mills on the dollar until such bonds

20 and the interest thereon have been fully paid or provided for, not  
21 exceeding fifty (50) years.

1 SEC. 4. Notice—form of question. Notice of such election shall  
2 be given in two newspapers published in said city, if there be two,  
3 but if not, then in one, once each week for at least four (4) con-  
4 secutive weeks. The election shall be held not less than five (5)  
5 nor more than twenty (20) days after the last publication of such  
6 notice. The question to be submitted shall be in the following form:

7 Shall the city issue bonds in the amount of Yes   
8 \$.....for the purpose of acquiring land  
9 along and adjacent to the (name of stream) No   
10 within the city limits and permanently improve  
11 the same for public purposes?

1 SEC. 5. Interpretation clause. This act shall be construed as  
2 granting additional power without limiting the power already granted  
3 to cities designated in section one (1) hereof.

1 SEC. 6. Publication clause. This act, being deemed of immediate  
2 importance, shall take effect and be in force from and after its  
3 publication in the Cedar Rapids Republican, a newspaper published  
4 in Cedar Rapids, Iowa and the Des Moines Register, a newspaper  
5 published in the city of Des Moines, Iowa.

Approved April 16, 1923.

I hereby certify that the foregoing act was published in the Cedar Rapids Repub-  
lican April 17, 1923, and the Des Moines Register April 18, 1923.

W. C. RAMSAY, Secretary of State.

CHAPTER 138

PUBLIC UTILITY TRUSTEES

S. F. 319

AN ACT to amend chapter fourteen (14), title five (5) of the code, relating to the  
powers of cities under special charters; and providing for the appointment of trustees  
in cities acting under special charters, having a population of less than thirty-five  
thousand and owning their own heating plant, gas works, or electric light or electric  
power plants; providing for the duties of such trustees, and fixing their compensation.

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

SECTION 1. Trustees for public utilities—appointment—compensa-  
tion. That chapter fourteen (14) of title five (5) of the code be, and  
the same is hereby amended by adding thereto the following:

3 "The heating plants, gas works or electric light or electric power  
4 plants authorized to be purchased or erected by cities acting under  
5 special charters having a population of less than thirty-five thousand  
6 shall be acquired, erected, managed and operated by a board of  
7 trustees, which shall be composed of three resident electors, ap-  
8 pointed for the term of six years by the mayor of said city. After

9 the authorization of the purchase or erection of such works or plant  
 10 by the electors of such city, in the manner provided by law, the mayor  
 11 thereof shall thereafter appoint such board of trustees, the first  
 12 appointees thereof to hold office for the following designated terms,  
 13 namely: one for two years, one for four years, and one for six years.  
 14 All vacancies occurring on said board, occasioned by expiration of  
 15 terms, by death, resignation or removal, shall be filled by appoint-  
 16 ment by the mayor of such city.

17 The compensation of said trustees shall be not more than three  
 18 hundred dollars (\$300.00) per annum to each member of said board.  
 19 Each of said trustees shall execute and furnish to the city an official  
 20 bond in the sum of ten thousand dollars (\$10,000) to be approved by  
 21 the mayor and filed with the city clerk. Such trustees may be re-  
 22 moved from office for proper cause under the provisions of chapter  
 23 eight (8) of title six (6) of the code.

1 **SEC. 2. Powers of trustees.** The said board of trustees shall have  
 2 power to contract for the purchase or erection and construction of  
 3 any such works or plant, and like powers and authority to manage  
 4 and control the same as are conferred upon waterworks trustees  
 5 appointed as provided in section seven hundred forty-seven-a (747-a),  
 6 supplement to the code of 1913.

1 **SEC. 3. Repeal.** All acts or parts of acts inconsistent with this  
 2 act are hereby repealed.

Approved March 16, A. D. 1923.

See chapter 139.

I hereby certify that the foregoing act was published in the Des Moines Daily News  
 April 14, 1923, and the Des Moines Register April 16, 1923, as authorized by and in  
 accordance with senate file 724.

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

## CHAPTER 139

### CITIES AND TOWNS

S. F. 724

AN ACT to amend an act of the fortieth general assembly, known as senate file No. 319,  
 and relating to powers of special charter cities, by providing for the time when  
 said act shall take effect.

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

1 **SECTION 1. Amendment in re publication.** That the act of the  
 2 fortieth general assembly known as Senate File No. 319, and relating  
 3 to the powers of special charter cities, is hereby amended by adding  
 4 thereto the following section:

5 "Sec. 4. This act being deemed of immediate importance shall  
 6 take effect and be in force from and after its publication in the Des  
 7 Moines Register and the Des Moines News, newspapers published in  
 8 Des Moines, Iowa."

1    **SEC. 2. Duty of secretary.** The secretary of state is hereby  
 2 authorized and directed to cause to be published the act of the fortieth  
 3 general assembly known as Senate File No. 319, as hereby amended,  
 4 the same as if the section added by this act had been included in  
 5 the original act.

1    **SEC. 3. Publication clause.** This act being deemed of immediate  
 2 importance shall take effect and be in force from and after its pub-  
 3 lication in the Des Moines Register and the Des Moines News, news-  
 4 papers published in Des Moines, Iowa.

Approved April 7, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News April  
 10, 1923, and the Des Moines Register April 11, 1923.

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

See chapter 138.

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## CHAPTER 140

### ROAD DISTRICTS IN CITIES UNDER SPECIAL CHARTERS

H. F. 516

AN ACT to amend section nine hundred seventy (970) of the code (C. C. 4385), relating  
 to road districts in cities under special charter.

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

1    **SECTION 1. Road districts.** That section nine hundred seventy  
 2 (970) of the code (C. C. 4385) be amended by striking out the first  
 3 three lines of said section and inserting the following in lieu thereof:  
 4 "The council may divide the city into road districts, or may make  
 5 each ward a separate road district, or make the entire city into a  
 6 general district for the purpose of cleaning, sprinkling and".

Approved March 28, A. D. 1923.

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## CHAPTER 141

### CITIES UNDER SPECIAL CHARTER

H. F. 327

AN ACT to amend section ten hundred and three (1003) supplement to the code, 1913  
 (C. C. 4421) relating to tax levies in cities operating under special charter.

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

1    **SECTION 1. Taxes—levy of.** Section ten hundred three (1003),  
 2 supplement to the code, 1913, (C. C. 4421), be and the same is  
 3 hereby amended by striking out the word "eight" where it appears

4 in line five of said section and inserting in lieu "ten"; also by striking  
5 out the word "sixteen" where same appears in line nine of said sec-  
6 tion and inserting in lieu "twenty-six".

Approved April 2, A. D. 1923.

## CHAPTER 142

### SPECIAL CHARTER CITIES

S. F. 546

AN ACT to authorize special charter cities who have abandoned their charters to transfer funds.

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

1 SECTION 1. Change of government—transfer of funds. When a  
2 special charter city or town shall abandon its charter the funds which  
3 it may then have on hand shall be transferred to the appropriate  
4 funds under its new organization in such proportions as the council  
5 shall determine.

1 SEC. 2. Publication clause. This act being deemed of immediate  
2 importance shall take effect and be in full force from and after its  
3 passage and publication in the Des Moines Register and the Des  
4 Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 17, 1923, and the Des Moines Register April 18, 1923.

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

## CHAPTER 143

### CITIES UNDER COUNCIL AND MANAGER

S. F. 420

AN ACT making section one thousand fifty-three (1053) of the code of 1897 (C. C. 4478), applicable to cities organized under title V chapter 14-d of the supplemental supplement to the code, 1915.

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

1 SECTION 1. Notice to person liable over. That section one thou-  
2 sand fifty-three (1053) of the code of 1897 be and the same is hereby  
3 made applicable to cities and towns organized under title V, chapter  
4 14-D of the supplemental supplement to the code, 1915.

Approved March 29, A. D. 1923.

## CHAPTER 144

## TAXATION

H. F. 651

AN ACT to amend section four (4), chapter one hundred forty-four (144), acts of the thirty-ninth general assembly, (S. C. C. 4482), relating to exemption from taxation of property of soldiers, sailors, marines, nurses, widows, and children of soldiers, sailors and marines.

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

1 SECTION 1. **Exemption—written claim of ownership.** That section  
2 four (4), chapter one hundred forty-four (144), acts of the thirty-  
3 ninth general assembly, (S. C. C. 4482), be and the same is hereby  
4 amended by striking out of line three (3) thereof the words “under  
5 oath”, and substitute in lieu thereof the following: “in writing”.

Approved April 20, A. D. 1923.

## CHAPTER 145

## TAXATION

S. F. 490

AN ACT to amend section thirteen hundred four (1304) supplemental supplement to the code, 1915, as amended by chapter one hundred ninety-one (191) of the thirty-seventh general assembly, and chapters one hundred fifteen (115), two hundred fourteen (214), two hundred fifty-seven (257) and three hundred seventy-seven (377) of the thirty-eighth general assembly (S. C. C. Sec. 4482), relating to exemptions of homes for disabled soldiers.

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

1 SECTION 1. **Exemptions of soldiers' homes.** That section thirteen  
2 hundred four (1304) supplemental supplement to the code, 1915, as  
3 amended by chapter one hundred ninety-one (191) of the thirty-  
4 seventh general assembly, and chapters one hundred fifteen (115),  
5 two hundred fourteen (214), two hundred fifty-seven (257) and three  
6 hundred seventy-seven (377) of the thirty-eighth general assembly  
7 (S. C. C. Sec. 4482), is hereby amended by striking out all after the  
8 comma after the word “fund” in the last line of division two of said  
9 section, and inserting in lieu thereof the following: “the buildings,  
10 grounds, furniture and household equipment of homes owned and  
11 operated by organizations of soldiers, sailors or marines of any of  
12 the wars of the United States when used for a home for disabled  
13 soldiers, sailors or marines and not operated for pecuniary profit  
14 shall not be taxed;”

Approved April 21, A. D. 1923.

## CHAPTER 146

## TAXATION

H. F. 829

AN ACT to amend section thirteen hundred fifty (1350) of the code (C. C. 4493), relating to the assessment of personal and real property.

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

1 SECTION 1. Buildings, etc., erected under lease. The law as it  
2 appears in section thirteen hundred fifty (1350) of the code (C. C.  
3 4493), is amended by adding thereto the following:  
4 "Provided, that buildings and fixtures erected on real estate held  
5 under a lease of longer than three years' duration shall be assessed  
6 as real estate. Provided, further, that the provisions hereof shall  
7 apply to the assessment for the year 1923, and the board of equali-  
8 zation may meet for the purpose of correcting any assessment here-  
9 tofore made in conformity hereto, and the provisions relative to  
10 notice and appeal from the board of equalization shall govern such  
11 proceedings."

1 SEC. 2. Publication clause. This act being deemed of immediate  
2 importance shall be in full force and effect from and after its pub-  
3 lication in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in the city of Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 147

## TAXATION

H. F. 557

AN ACT to amend section one thousand three hundred fourteen (1314) of the code (C. C. 4496) and section one thousand three hundred eighteen (1318) of the code (C. C. 4499), pertaining to the listing and taxation of property.

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

1 SECTION 1. Owners of property—exceptions. That the law as it  
2 appears in section one thousand three hundred fourteen (1314) of  
3 the code (C. C. 4496) be amended by inserting after the word "per-  
4 sons" in line two (2) thereof, the following, "other than warehouse-  
5 men as defined in section 3138-a58 of the supplement to the code,  
6 1913, and section 58, chapter 160 of the acts of the thirty-second  
7 general assembly."

1 SEC. 2. Merchants—exceptions. That section one thousand three  
2 hundred eighteen (1318) of the code (C. C. 4499), be amended by



3 adding after the word "title" in line seven (7) thereof the following,  
 4 after changing the period following the word "title" to a comma:  
 5 "except warehousemen as defined in section 3138-a58, supplement to  
 6 the code, 1913, and section 58, chapter 160 of the acts of the thirty-  
 7 second general assembly."

1 **SEC. 3. Warehousemen.** That section thirteen hundred eighteen  
 2 (1318) of the code, (C. C. 4499) be amended by adding thereto at  
 3 the end thereof the following: "Provided that every warehouseman  
 4 as herein specified shall file with the assessor of the township or  
 5 municipality wherein his warehouse is situated a written statement  
 6 showing all property in his possession belonging to another subject  
 7 to taxation, and the name and address of the person, firm, corporation  
 8 or estate to which it belongs; and in the event said warehouseman  
 9 fails to furnish such statement to said assessor upon request, then  
 10 all property in the possession of the warehouseman belonging to  
 11 another subject to taxation, shall be deemed to be owned by the  
 12 warehouseman for the purposes of taxation, and he shall be liable  
 13 for taxes thereon."

Approved April 20, A. D. 1923.

## CHAPTER 148

### TAXATION

S. F. 389

AN ACT to amend section 1373 of the supplement of the code of Iowa, 1913, (C. C. 4602), relating to complaint to board of review and appeal.

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

1 **SECTION 1. Complaint by member of board of review.** Amend  
 2 section 1373 supplement of the code of Iowa, 1913, (C. C. 4602), by  
 3 striking out the comma (,) between the word "section" and the word  
 4 "shall" in line seven (7) of said section, and inserting in lieu thereof  
 5 a semi-colon (;), and following said semi-colon the following: "and  
 6 any member of the board of review aggrieved by any action of the  
 7 board of review of which he was, at the time complained of, a mem-  
 8 ber,".

Approved March 22, A. D. 1923.

## CHAPTER 149

## TAXATION

H. F. 440

AN ACT to amend section one thousand three hundred eighty-three (1383) of the supplement to the code, 1913, (C. C. 4609) relating to the division and proportionment and entry of tax installments on the tax list by the county auditor.

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

1 SECTION 1. Tax list. That the law as it appears in section one  
2 thousand three hundred eighty-three (1383) of the supplement to  
3 the code, 1913 (C. C. 4609) be and the same is hereby amended by  
4 striking out the words following the word "by" in line twelve (12)  
5 thereof, "carrying out the totals and footings of columns", and  
6 inserting in lieu thereof the following: "entering the amount due on  
7 the first installment and the amount due on the second installment  
8 and carrying out the total of both installments and he shall complete  
9 each page by footing all columns and balancing with tax totals."

Approved April 4, A. D. 1923.

## CHAPTER 150

## TAXATION

S. F. 739

AN ACT to repeal section fourteen hundred three (1403) of the code (C. C. 4651), and section fourteen hundred thirteen (1413) of the code as amended by chapter sixty-six (66), acts thirty-ninth (39) general assembly (S. C. C. 4659), and to enact substitutes therefor, and to amend section fourteen hundred eighteen (1418) of the code (C. C. 4667), and section fifteen hundred forty-three (1543) of the code (C. C. 2972), relating to the payment of taxes and to penalties thereon, and to the time of holding tax sale.

Note: Not approved. Filed in office of Secretary of State May 2, 1923.

## CHAPTER 151

## TAXATION

S. F. 471

AN ACT to amend the law as it appears in section one thousand four hundred seven (1407) of the supplement to the code, 1913, (C. C. 4653) relating to the collection of delinquent personal tax.

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

1 SECTION 1. **Collection of delinquent taxes.** That the law as it ap-  
 2 pears in section one thousand four hundred seven (1407) of the sup-  
 3 plement to the code, 1913, (C. C. 4653) be and the same is hereby  
 4 amended by adding to said section at the end thereof the following:  
 5 "Provided, however, that in no case shall delinquent taxes of the  
 6 current year be turned over for collection, whether designated by  
 7 the board or otherwise, before the first day of November."

Approved March 28, A. D. 1923.

## CHAPTER 152

## TAXATION

H. F. 823

AN ACT to provide the procedure for apportioning a tax on specific real estate when the title to different portions of said real estate has, after assessment and levy become vested in different parties in severalty.

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

1 SECTION 1. **Application for apportionment.** When a tract of real  
 2 estate has been assessed and taxed as one item of property, and there-  
 3 after and before the tax is paid, the title to different portions of said  
 4 real estate becomes vested in different parties in severalty, and the  
 5 said owners are unable to agree as to what portion of the total tax  
 6 each portion of the real estate should bear, any of said parties may  
 7 file with the board of supervisors a written application for the ap-  
 8 portionment of said tax.

1 SEC. 2. **Notice.** In the absence of the appearance of all interested  
 2 parties, the board shall prescribe the notice which nonappearing  
 3 parties shall receive, and the time and manner of the service thereof.

1 SEC. 3. **Apportionment made—record.** On the hearing, the board  
 2 shall apportion said tax to the different portions of the real estate  
 3 owned in severalty, in accordance with the values thereof. All orders  
 4 and determinations of the board shall be entered of record in its  
 5 minutes. An order of apportionment shall definitely identify each  
 6 portion of said real estate so owned in severalty.

1    **SEC. 4. Correction of books.** The county auditor shall, upon the  
2 making of an order of apportionment, at once correct the tax books,  
3 in his possession, in accordance with said order, and if said books  
4 have been delivered to the county treasurer, the said auditor shall  
5 at once certify said order of apportionment to the said treasurer who  
6 shall make said correction.

1    **SEC. 5. Effect of order.** An order of apportionment when fol-  
2 lowed by a correction of the tax book in accordance therewith, shall  
3 have the same effect as though the original assessment had been  
4 made in the same manner.

1    **SEC. 6. Appeal.** A party aggrieved by an order of apportionment  
2 may appeal therefrom to the district court at any time within ten  
3 days from the date of said order, by serving written notice of said  
4 appeal on all other parties to said proceeding. Should personal service  
5 of said notice within the county be impossible as to any party, any  
6 judge of the district court may prescribe the manner of such service.

1    **SEC. 7. Trial on appeal.** The district court shall try said appeal  
2 anew and in equity. The final order of the court shall be certified  
3 by the clerk of the district court to the county auditor and shall be  
4 treated in the same manner as though originally made by the board  
5 of supervisors.

1    **SEC. 8. Interpreting clause.** This chapter shall not be construed  
2 as exclusive of other legal remedies.

Approved April 20, A. D. 1923.

## CHAPTER 153

### STATE FUNDS

S. F. 309

AN ACT to repeal section one thousand four hundred fifty-nine (1459) of the code of 1897 (S. C. C. Sec. 4769) relating to the collection, possession and remittance of moneys belonging to the state treasury by county treasurers and to enact a substitute therefor.

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

1    **SECTION 1. Duty of state and county treasurer.** That section one  
2 thousand four hundred fifty-nine (1459) of the code of 1897 (S. C. C.  
3 4769) be and the same is hereby repealed and the following enacted  
4 in lieu thereof:

5    "The treasurer of each county shall, on or before the 15th day of  
6 each month, prepare sworn statements of the amount of money in  
7 his hands on the last day of the preceding month belonging to the  
8 state treasury, and forward by mail, one such statement to the  
9 auditor of state, and one such statement to the treasurer of state.  
10 The treasurer of each county shall also, at any time when directed  
11 by the treasurer of state, forthwith pay into the state treasury ac-

12 cording to the provisions of this act, any or all of the money due the  
 13 state and remaining in his hands, and the treasurer of state is hereby  
 14 required to receive on all such payments the same kind of money  
 15 and notes which the county treasurer is authorized and required by  
 16 law to receive in payment of taxes. The treasurer of state shall  
 17 maintain in the state treasury a cash balance of the money belonging  
 18 to the state and collected by the respective county treasurers includ-  
 19 ing all funds and moneys received by him from other sources and  
 20 properly a part of the general fund, of not more than three million  
 21 dollars (\$3,000,000). When such cash balance shall become less than  
 22 two million dollars (\$2,000,000) he may draw upon the treasurer of  
 23 each county of the state in proportion to the amount in their posses-  
 24 sion respectively, a sum sufficient in the aggregate to restore said  
 25 cash balance to a sum not exceeding said maximum. Such drafts  
 26 shall be honored by the treasurer of each county upon presentation."

1 **SEC. 2. General balance fund.** The treasurer of state shall also  
 2 credit to said general balance fund all funds and moneys received by  
 3 him from other sources and properly a part of the general fund. The  
 4 treasurer of state shall keep proper books of account for the purposes  
 5 herein specified.

1 **SEC. 3. Penalty for failure to remit.** In case the treasurer of any  
 2 county shall fail to prepare and forward the statements required in  
 3 this act or shall fail to promptly honor any draft by the treasurer  
 4 of state as provided in this act he shall forfeit and pay for each and  
 5 every failure a sum not less than one hundred dollars (\$100) or  
 6 more than five hundred dollars (\$500), to be recovered in an action  
 7 brought in the name of the state auditor or the treasurer of the  
 8 state against him and his bondsman.

1 **SEC. 4. Exceptions.** The provisions of this act shall not be so  
 2 construed as to include any of the primary road funds.

Approved March 15, A. D. 1923.

## CHAPTER 154

### LEVEES, DITCHES AND DRAINS

H. F. 431

AN ACT to amend section one thousand nine hundred eighty-nine-a two (1989-a2) of the supplement to the code, 1913, as amended by chapter three hundred forty-four (344) acts of the thirty-seventh general assembly and chapter one hundred forty-one (141) acts of the thirty-eighth general assembly, and chapter two hundred six (206) acts of the thirty-ninth general assembly (S. C. C. 4837) relating to proceedings to establish levees, ditches and drainage districts.

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

1 **SECTION 1. Limitation on preliminary expense.** That section one  
 2 thousand nine hundred eighty-nine-a two (1989-a2) supplement to  
 3 the code, 1913, as amended by chapter three hundred forty-four (344)

4 acts of the thirty-seventh general assembly and chapter one hundred  
5 forty-one (141) acts of the thirty-eighth general assembly, and chap-  
6 ter two hundred six (206) acts of the thirty-ninth general assembly  
7 (S. C. C. 4837) be and the same is hereby amended by adding to said  
8 section the following:

9 "No preliminary expense shall be incurred before the establishment  
10 of such proposed improvement district by the board in excess of the  
11 amount of bond filed by the petitioners. In case it is necessary to  
12 incur any expense in addition to the amount of such bond the board  
13 of supervisors shall require the filing of an additional bond by the  
14 petitioners and shall not proceed with the preliminary survey or  
15 authorize any additional expense until the additional bond is filed in  
16 a sufficient amount to cover such expense."

Approved March 21, A. D. 1923.

## CHAPTER 155

### DRAINS

S. F. 671

AN ACT additional to title ten (10), chapter two-a (2-a) supplement to the code 1913, providing for the removal of illegality or uncertainty in contracts relating to drainage improvements and providing for the reassessment of land where assessments have been adjudged to be void for jurisdictional defects, or for illegality or uncertainty in such contracts.

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

1 SECTION 1. Curing illegality or uncertainty. Whenever any special  
2 assessment upon any lands within any drainage district shall have  
3 been heretofore adjudged to be void for any jurisdictional defect or  
4 for any illegality or uncertainty as to the terms of any contract and  
5 the improvement shall have been wholly completed, the board or  
6 boards of supervisors shall have power to remedy such illegality or  
7 uncertainty as to the terms of any such contract with the consent of  
8 the person with whom such contract shall have been entered into  
9 and make certain the terms of such contract and shall then cause a  
10 re-assessment of such land to be made on an equitable basis with the  
11 other land in the district by taking the steps required by law in the  
12 making of an original assessment and re-levying the tax in accord-  
13 ance with such assessment and such tax shall have the same force  
14 and effect as though the board or boards of supervisors had juris-  
15 diction in the first instance and no illegality or uncertainty existed  
16 in the contract.

Approved April 16, A. D. 1923.

## CHAPTER 156

## DRAINS

S. F. 281

AN ACT to empower boards of supervisors to issue drainage warrants and thereby adjust and equalize drainage assessments in certain cases after drainage assessments have been made.

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

1     **SECTION 1. Excessive assessments—adjustment.** That in all cases  
2 where drainage districts have been established consisting of open or  
3 closed mains which are beneficial to the entire district, and also of  
4 laterals; and where assessments have been made or fixed based upon  
5 the estimated costs, expenses, costs of construction, fees and damages  
6 for improvements which are beneficial to the entire district and also  
7 for the estimated costs, expenses, costs of construction, fees and  
8 damages for such laterals; and where the laterals may be or were  
9 afterwards actually constructed for a materially less amount than  
10 was so estimated for such laterals (including the costs, expenses,  
11 costs of construction, fees and damages pertaining thereto), and  
12 where the lands to be benefited by the laterals have been assessed for  
13 their proper share of the costs of such open and closed mains and  
14 outlets; and where such difference between such estimated cost of the  
15 lateral and such actual cost thereof is capable of ascertainment, either  
16 by reference to the report of the commission which was appointed  
17 to inspect and classify the lands benefited, or in some other manner,  
18 then the board of supervisors or joint board of supervisors or other  
19 officers having control of such drainage district shall be, and hereby  
20 are authorized and directed to return to the party or parties who  
21 owned the land benefited and assessed for such laterals at the time  
22 the assessment was fixed and levied by the board or boards of super-  
23 visors, the respective proportional parts of such excess assessments  
24 made for such laterals by the issuance of warrants drawn upon the  
25 district fund.

Approved April 21, A. D. 1923.

## CHAPTER 157

## DRAINS

H. F. 548

AN ACT to amend the law as it appears in section one thousand nine hundred eighty-nine-a twenty-six (1989-a26), supplement to the code, 1913, as amended by chapter three hundred forty-four (344), acts of the thirty-seventh general assembly and chapters sixty-four (64) and two hundred seventy-one (271), acts of the thirty-eighth general assembly (C. C. 4874), relating to the collection of special assessments, in drainage districts.

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

1 SECTION 1. Payment of assessments. That the law as it appears  
 2 in section one thousand nine hundred eighty-nine-a twenty-six (1989-  
 3 a26), supplement to the code, 1913, as amended by chapter three  
 4 hundred forty-four (344), acts of the thirty-seventh general assembly  
 5 and chapters sixty-four (64) and two hundred seventy-one (271),  
 6 acts of the thirty-eighth general assembly (C. C. 4874) be and the  
 7 same is hereby amended by inserting after the period (.) following  
 8 the word "taxes" and before the word "And" in line twenty-eight  
 9 (28) of said section the following: "Provided, however, that the  
 10 county treasurer shall, at the March semiannual tax paying date,  
 11 require only the payment of a sufficient portion of the assessments  
 12 to meet the interest and the amount maturing on bonds or certificates  
 13 prior to the regular time for the payment of the second installment  
 14 of taxes and the balance shall be collected with such second install-  
 15 ment and without penalty."

Approved April 16, A. D. 1923.

## CHAPTER 158

## DRAINS

H. F. 469

AN ACT to amend the law as it appears in sections nineteen hundred eighty-nine-a fifty-two a (1989-a52a) to nineteen hundred eighty-nine-a fifty-two g (1989-a52g), inclusive, supplement to the code, 1913 (C. C. 4905 to 4911), by providing authority for the election and management of levee districts by trustees.

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

1 SECTION 1. Trusteeship in certain cases. The provisions of sec-  
 2 tions nineteen hundred eighty-nine-a fifty-two a (1989-a52a), to  
 3 nineteen hundred eighty-nine-a fifty-two g (1989-a52g), inclusive,  
 4 supplement to the code, 1913, are hereby made applicable to any levee  
 5 constructed by the United States or may hereafter be constructed  
 6 by the United States along or near the bank of a navigable stream,  
 7 forming a part of the boundary of this state as provided in section  
 8 nineteen hundred seventy-five (1975) code 1897.



1    **SEC. 2. Publication clause.** This act being deemed of immediate  
2 importance shall be in force and effect from and after its publication  
3 in the Des Moines Register, a newspaper published in Des Moines,  
4 Iowa, and the Burlington Gazette, published in Burlington, Iowa,  
5 without expense to the state.

Approved April 14, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 16, 1923, and the Burlington Gazette April 16, 1923.

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

## CHAPTER 159

### DRAINS

S. F. 525

AN ACT authorizing drainage districts to issue funding bonds for the purpose of settling, adjusting, renewing and extending the legal indebtedness they may have or any part thereof.

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

1    **SECTION 1. Pumping station drainage districts—bonds.** That  
2 drainage or levee districts having and operating a pumping station  
3 may settle, adjust, renew or extend the legal indebtedness they may  
4 have, or any part thereof, in the sum of one thousand dollars  
5 (\$1,000.00) or upwards, whether evidenced by bonds, warrants or  
6 judgments and may fund or refund the same and issue coupon bonds  
7 therefor but no bonds shall be issued under this act for any other  
8 purpose than is above authorized.

1    **SEC. 2. Form of bonds.** Such bonds shall be issued in sums of not  
2 less than one hundred dollars (\$100) or more than one thousand dol-  
3 lars (\$1,000) each, running not more than twenty (20) years, bearing  
4 interest not exceeding six (6) per cent per annum, payable annually  
5 or semi-annually and shall be substantially in the form provided by  
6 the laws of the state of Iowa for funding bonds issued for drainage  
7 purposes.

1    **SEC. 3. Numbered and signed.** Such bonds shall be numbered con-  
2 secutively, signed by the chairman of the board of supervisors, at-  
3 tested by the county auditor. The interest coupons attached thereto  
4 shall be executed in the same manner.

1    **SEC. 4. Issuance.** All bonds issued under the provisions of this  
2 chapter shall be issued pursuant to and in conformity with a resolu-  
3 tion adopted by the board of supervisors, which shall specify the  
4 amount authorized to be issued, the purpose for which issued, the  
5 rate of interest they shall bear and whether payable annually or semi-  
6 annually, the place where the principal and interest shall be payable  
7 and when it becomes due and such other provisions not inconsistent  
8 with law in reference thereto as the board of supervisors shall think  
9 proper, which resolution shall be entered of record upon the minutes  
10 of the proceedings of the said board and a complete copy thereof

11 printed on the back of each bond, which resolution shall constitute  
12 a contract between the drainage district and the purchasers or holders  
13 of said bonds.

1 SEC. 5. Registration. When bonds have been executed as afore-  
2 said they shall be delivered to the county treasurer and his receipt  
3 taken therefor. He shall register the same in a book provided for  
4 that purpose, which shall show the number of each bond, its date,  
5 date of sale, amount, date of maturity and the name and address of  
6 the purchaser and if exchanged what evidences of debt were received  
7 therefor, which record shall at all times be open to the inspection of  
8 the owners of property within the district. The treasurer shall there-  
9 upon certify on the back of each bond as follows:

10 "This bond duly and properly registered in my office this.....  
11 day of.....19.....

12 .....  
13 Treasurer of the County of .....  
14 ....."

15 and he shall stand charged on his official bond with all bonds so de-  
16 livered to him and the proceeds thereof. He shall report under oath  
17 to the board of supervisors, at each first regular session thereof in  
18 each month, a statement of all such bonds sold or exchanged by him  
19 since his last report and the date of such sale or exchange and when  
20 exchanged a description of the indebtedness for which exchanged.

1 SEC. 6. Sale. He shall under a resolution and the direction of the said  
2 county board of supervisors sell the bonds for cash on the best avail-  
3 able terms or exchange them on like terms for a legal indebtedness  
4 of the said district evidenced by bonds, warrants or judgments out-  
5 standing at the date of the passage of the resolution authorizing the  
6 issue thereof and the proceeds shall be applied and exclusively used  
7 for the purposes for which said bonds are issued. In no case shall  
8 they be sold or exchanged for a less sum than their face value and  
9 all interest accrued at the date of sale or exchange. After registration  
10 the treasurer shall deliver said bonds to the purchaser thereof and  
11 when exchanged for indebtedness of said district shall at once cancel  
12 all warrants or bonds or secure proper credits therefor on judgments.

1 SEC. 7. Tax. Drainage districts issuing funding or refunding  
2 bonds under this act shall levy taxes for the payment of the prin-  
3 cipal and interest thereof, where there has not been a prior levy  
4 covering same, in accordance with the provisions of the law relating  
5 to taxation.

1 SEC. 8. Limitation of action. No action shall be brought question-  
2 ing the liability of any of the bonds authorized by this act from and  
3 after three months from the time the same are ordered issued by the  
4 proper authorities.

1 SEC. 9. Refunding bonds. Refunding bonds for the purposes set  
2 out in this act may be issued to pay off and take up bonds issued in  
3 payment for drainage improvements under prior laws or to refund  
4 any part thereof. Bonds thus issued shall substantially conform to  
5 the provisions of the law relating to drainage bonds and the face  
6 amount thereof shall be limited to the amount of the unpaid assess-

7 ments, with interest thereon, applicable to the payment of the bonds  
8 so taken up.

1 SEC. 10. Payment. When refunding bonds shall be issued to pay  
2 for drainage improvements issued under the provisions of this act, all  
3 special assessments, taxes and sinking funds applicable to the pay-  
4 ment of such bonds previously issued shall be applicable in the same  
5 manner and to the same extent to the payment of the refunding  
6 bonds issued hereunder and all the powers and duties to levy and  
7 collect special assessments and taxes or create liens upon property  
8 shall continue until all refunding bonds shall be paid.  
9 The drainage district shall collect the special assessments out of  
10 which the said bonds are payable and hold the same separate and  
11 apart in trust for the payment of said refunding bonds but the provi-  
12 sions of this act shall not apply to assessments or bonds adjudicated  
13 to be void.

1 SEC. 11. Petition for refund. The refunding of said bonds can be  
2 taken by the board of supervisors acting as drainage commissioners  
3 only for such amounts as are shown by the assessment of taxes to  
4 have been levied against the lands within said drainage district and  
5 not until the owners of ten (10) per cent of the lands within said  
6 district shall have petitioned the said board of supervisors to extend  
7 the time of payment of the taxes assessed against the lands within  
8 said district for a period not exceeding twenty (20) years, under such  
9 rules and regulations as the board of supervisors may direct, the  
10 interest on such assessments to be paid annually, the same as other  
11 taxes levied against the property and that of the extended taxes the  
12 principal of said tax shall be paid, one twentieth each year until the  
13 entire tax is paid and that the lien of said tax shall continue until  
14 the full payment thereof. Upon the filing of said petition the board  
15 of supervisors shall have authority to extend the period, not exceed-  
16 ing twenty (20) years, for the payment of taxes and interest thereon  
17 and issuing refunding bonds to take up the bonds issued against said  
18 assessments as provided in this act.

Approved April 21, A. D. 1923.

## CHAPTER 160

### BOARD OF RAILROAD COMMISSIONERS

H. F. 743

AN ACT to amend chapter three hundred nine (309), acts of the thirty-ninth general assembly (S. C. C. 5044-a1), in regard to the annual appropriation of funds to enable the state railroad commission to investigate and prosecute state cases and to investigate and determine all cases within its jurisdiction.

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

1 SECTION 1. Appropriation. That chapter three hundred nine (309),  
2 acts of the thirty-ninth general assembly be and the same is hereby

3 amended by striking from lines two (2) and three (3) of section one  
 4 (1) the words and figures, "thirty thousand dollars (\$30,000.00)",  
 5 and inserting in lieu thereof the following: "twenty-five thousand  
 6 dollars (\$25,000.00)".

Approved April 14, A. D. 1923.

## CHAPTER 161

### COMMON CARRIER

H. F. 821

AN ACT to repeal section twenty-one hundred twenty-six (2126), of the code, (C. C. 5177) and to enact a substitute therefor relating to the powers and duties of the board of railroad commissioners and regulation of carriers.

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

1 SECTION 1. Long and short haul—exceptions. That section twenty-  
 2 one hundred twenty-six (2126), of the code, (C. C. 5177) be and the  
 3 same is hereby repealed, and the following enacted in lieu thereof:  
 4 "No common carrier, subject to the provisions of this chapter, shall  
 5 charge more for the transportation of persons or property to or from  
 6 any point on its railroad than a fair and just rate or charge.  
 7 "No such common carrier, or carriers, shall charge or receive any  
 8 greater compensation in the aggregate for the transportation of per-  
 9 sons or of a like kind of property for a shorter than for a longer  
 10 distance, over the same line or route in the same direction within this  
 11 state, the shorter being included within the longer distance, or charge  
 12 any greater compensation as a through rate than the aggregate of  
 13 the intermediate rates; but, this shall not be construed as authorizing  
 14 any such common carrier or carriers to charge or receive as great a  
 15 compensation for a shorter as for a longer distance or haul; provided,  
 16 that upon application to the board of railroad commissioners such  
 17 common carrier or carriers may, in special cases, after investigation,  
 18 be authorized by the board of railroad commissioners to charge less  
 19 for a longer than for a shorter distance for the transportation of per-  
 20 sons or property; and the board of railroad commissioners may from  
 21 time to time prescribe the extent to which such designated common  
 22 carrier or carriers may be relieved from the operation and require-  
 23 ment of this section; but, in exercising the authority conferred upon  
 24 it in this proviso, the board of railroad commissioners shall not permit  
 25 the establishment of any charge to or from the more distant point  
 26 that is not reasonably compensatory for the service performed; and,  
 27 if a circuitous rail line or route is, because of such circuitry, granted  
 28 authority to meet the charges of a more direct line or route to or  
 29 from competitive points and to maintain higher charges to or from  
 30 intermediate points on its line, the authority shall not include inter-  
 31 mediate points as to which the haul of the petitioning line or route  
 32 is not longer than that of the direct line or route between the com-  
 33 petitive points."

Approved April 21, A. D. 1923.

## CHAPTER 162

## RAILROADS

H. F. 284

AN ACT to repeal section twenty-one hundred twenty-eight (2128) (C. C. 5179), of the code, relating to schedules of rates and fares, and the powers and duties of the board of railroad commissioners with respect thereto, and to enact a substitute therefor.

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

1 SECTION 1. **Repeal.** That section twenty-one hundred twenty-  
2 eight (2128) of the code (C. C. 5179), be and the same is hereby re-  
3 pealed and the following enacted in lieu thereof:

1 SEC. 2. **Rate schedules—filing and publication.** Every common car-  
2 rier, subject to the provisions of this chapter, shall file with the board  
3 of railroad commissioners and shall print and keep open to the public  
4 inspection schedules showing the rates, fares, charges, and classifica-  
5 tions for the transportation within this state of persons and property  
6 from each point upon its route to all other points thereon and from  
7 all points upon its route to all points upon every other route leased,  
8 operated or controlled by it; and from each point on its route or  
9 upon any route leased, operated or controlled by it to all points upon  
10 the route of any other common carrier, whenever a through route and  
11 a joint rate shall have been established or ordered between any two  
12 such points. If no joint rate over a through route has been estab-  
13 lished, the schedules of the several carriers in such through route  
14 shall show the separately established rates, fares, charges and clas-  
15 sifications applicable to the through transportation.

1 SEC. 3. **Detailed requirements—accessibility to public.** The sched-  
2 ules printed as aforesaid shall plainly state the places between which  
3 such property and persons will be carried, and shall also state separ-  
4 ately all terminal charges, storage charges, icing charges, and all  
5 other charges which the board of railroad commissioners may require  
6 to be stated, all privileges or facilities granted or allowed, and all  
7 rules or regulations which may in any wise change, affect or deter-  
8 mine any part, or the aggregate of such rates, fares, charges and  
9 classifications, or the value of the various services rendered to the  
10 passenger, shipper or consignee.

11 Subject to such rules and regulations as the board of railroad com-  
12 missioners may prescribe, such schedules shall be plainly printed in  
13 large type and a copy thereof shall be kept by every such carrier  
14 readily accessible to and for inspection by the public in every station  
15 or office of such carrier where passengers or property are respectively  
16 received for transportation when such station or office is in charge  
17 of an agent, and in every station or office of such carrier where pas-  
18 senger tickets or tickets for sleeping, parlor car or other train accom-  
19 modations are sold or bills of lading or waybills or receipts for property  
20 are issued. Any or all of such schedules kept as aforesaid shall be  
21 immediately produced by such carrier for inspection upon the demand  
22 of any person.

1     **SEC. 4. Notice as to schedules.** A notice printed in bold type and  
2 stating that such schedules are on file with the agent and open to in-  
3 spection by any person, and that the agent will assist any person  
4 to determine from such schedules any rates, fares, rules or regula-  
5 tions in force, shall be kept posted by the carrier in two public and  
6 conspicuous places in every such station or office.

1     **SEC. 5. Form of schedules.** The form of every such schedule shall  
2 be prescribed by the board of railroad commissioners and shall con-  
3 form in the case of common carriers subject to an act of Congress  
4 entitled "An Act to Regulate Commerce," approved February 4, 1887,  
5 and the acts amendatory thereof and supplementary thereto, as nearly  
6 as may be to the form of schedule prescribed by the interstate com-  
7 merce commission under said act.

8     When schedules and classifications required by the interstate com-  
9 merce commission contain in whole or in part the information re-  
10 quired by the provisions of this act, the posting, publishing and filing  
11 of a copy or copies of such schedules and classifications required by  
12 the interstate commerce commission shall be deemed in compliance  
13 with the requirements of this act in so far as such schedules and  
14 classifications contain the information required by this act, and any  
15 additional or different information may be posted, published and filed  
16 in a supplementary schedule.

1     **SEC. 6. Partial schedules—when permissible.** Provided, that in  
2 lieu of filing its entire schedule in each station or office, any common  
3 carrier may, subject to the regulations of the board of railroad com-  
4 missioners, file or keep posted at such stations or offices, schedules  
5 of such rates or other charges, classifications, rules and regulations  
6 relating thereto as are applicable at, to and from the places where  
7 such stations or offices are located.

1     **SEC. 7. Changes in schedules.** The board of railroad commission-  
2 ers shall have the power from time to time, in its discretion, to de-  
3 termine and prescribe by order such changes in the form of the  
4 schedules referred to in this act as it may find expedient, and to  
5 modify the requirements of any of its orders, rules or regulations in  
6 respect to any matter in this act referred to.

1     **SEC. 8. Joint tariff schedules.** The names of the several common  
2 carriers which are parties to any joint tariff, rate, toll, contract, clas-  
3 sification or charge shall be specified in the schedule or schedules  
4 showing the same. Unless otherwise ordered by the board of rail-  
5 road commissioners, a schedule showing such joint tariff, rate, fare,  
6 toll, contract, classification or charge need be filed with the board by  
7 only one of the parties; provided, that there is also filed with the  
8 board of railroad commissioners in such form as the board may re-  
9 quire a concurrence in such joint tariff, rate, fare, toll, contract, clas-  
10 sification or charge by each of the other parties thereto.

1     **SEC. 9. Contracts affecting rate.** Every common carrier shall file  
2 with the board of railroad commissioners copies of all contracts, agree-  
3 ments or arrangements with other common carriers, in relation to  
4 any service affected by the provisions of this chapter, to which it may  
5 be a party and copies of all other contracts, agreements or arrange-  
6 ments with any other person or corporation affecting in the judgment

7 of the board of railroad commissioners the cost to such common car-  
8 rier of any service.

1 **SEC. 10. Schedules must be filed.** No common carrier shall under-  
2 take to perform any service nor engage or participate in the trans-  
3 portation of persons or property, between points within this state,  
4 until its schedule of rates, fares, charges, and classifications shall  
5 have been filed and published in accordance with the provisions of  
6 this act.

1 **SEC. 11. Change in schedules—notice.** Unless the board of rail-  
2 road commissioners otherwise orders no change shall be made by  
3 any common carrier in any rate, fare, toll, charge or classification  
4 or in any rule, regulation, practice, or contract relating to or affecting  
5 any rate, fare, toll, charge or classification, except after thirty days'  
6 notice to the board of railroad commissioners and to the public as  
7 herein provided.

8 Such notice shall be given by filing with the board of railroad com-  
9 missioners and keeping open for public inspection new schedules or  
10 supplements stating plainly the change or changes to be made in the  
11 schedule or schedules then in effect, and the time when the change or  
12 changes will go into effect.

13 The board of railroad commissioners, for good cause shown, may  
14 allow changes without requiring the thirty days' notice herein pro-  
15 vided for, by an order specifying the changes so to be made and the  
16 time when they shall take effect, and the manner in which they shall  
17 be filed and published.

18 When any change is proposed in any rate, fare, toll, charge or  
19 classification or in any rule, regulation, practice or contract relating  
20 to or affecting any rate, fare, toll, charge or classification, such pro-  
21 posed change shall be plainly indicated on the new schedule filed with  
22 the board of railroad commissioners by some character immediately  
23 preceding or following the item.

1 **SEC. 12. Schedule charge mandatory—refunds.** No common car-  
2 rier, except as in this chapter otherwise provided, shall charge, de-  
3 mand, collect or receive a greater or less or different compensation for  
4 the transportation of persons or property or for any service in con-  
5 nection therewith than the rates, fares, and charges applicable to  
6 such transportation as specified in its schedules filed and in effect at  
7 the time; nor shall any such carrier refund or remit in any manner  
8 or by any device any portion of the rates, fares or charges so specified  
9 except upon order of the courts or of the board of railroad commis-  
10 sioners as may be now or hereafter by law provided, nor extend to  
11 any shipper or person any privilege or facility in the transportation  
12 of passengers or property except such as are specified in such sched-  
13 ules.

1 **SEC. 13. Hearing as to rate—suspension.** Whenever there shall  
2 be filed with the board of railroad commissioners any schedule, stat-  
3 ing an individual or joint rate, fare, toll, charge, classification, con-  
4 tract, practice, rule or regulation, the board of railroad commis-  
5 sioners shall have power and it is hereby given authority, either upon  
6 complaint or upon its own motion without complaint, at once, and if  
7 it so orders, without answer or formal pleadings, by the interested  
8 common carrier or carriers, but upon reasonable notice, to enter upon

9 a hearing concerning the propriety of such rate, fare, toll, charge,  
 10 classification, contract, practice, rule or regulation and pending the  
 11 hearing and the decision thereon, such rate, fare, toll, charge, clas-  
 12 sification, contract, practice, rule or regulation shall not go into effect;  
 13 provided, that the period of suspension of such rate, fare, toll, charge,  
 14 classification, contract, practice, rule or regulation shall not extend  
 15 more than one hundred twenty (120) days beyond the time when  
 16 such rate, fare, toll, charge, classification, contract, practice, rule or  
 17 regulation would otherwise go into effect unless the board, in its  
 18 discretion extends the period of suspension for a further period of  
 19 not exceeding thirty (30) days.

1 SEC. 14. Commissioners to fix rate—when rates effective. On such  
 2 hearing the board of railroad commissioners shall establish the rates,  
 3 fares, tolls, charges, classifications, contracts, practices, rules or regu-  
 4 lations proposed, in whole or in part, or others in lieu thereof which  
 5 it shall find to be just and reasonable.

6 All such rates, fares, tolls, charges, classifications, contracts, prac-  
 7 tices, rules or regulations not so suspended shall, on the expiration  
 8 of thirty (30) days from the time of filing the same with the board  
 9 of railroad commissioners or of such less time as the said board may  
 10 grant, go into effect and be the established and effective rates, fares,  
 11 tolls, charges, classifications, contracts, practices, rules and regula-  
 12 tions, subject to the power of the board of railroad commissioners,  
 13 after a hearing had upon its own motion or upon complaint, as herein  
 14 provided, to alter or modify the same. After such changes have been  
 15 authorized by the board of railroad commissioners, copies of the new  
 16 or revised schedules shall be posted or filed as provided in this act,  
 17 within such reasonable time as may be fixed by the board of railroad  
 18 commissioners.

Approved March 27, A. D. 1923.

## CHAPTER 163

### UNLAWFUL TRADE PRACTICES

S. F. 669

AN ACT authorizing the governor and attorney general to act as a committee to protect the interests of the state of Iowa and of the people thereof against a trade practice known as "Pittsburgh Plus" and other similar trade practices, and making an appropriation therefor.

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

1 SECTION 1. "Pittsburgh Plus." There is hereby created a commit-  
 2 tee consisting of the governor and attorney general, which committee  
 3 shall have full power and authority to protect and shall be charged  
 4 with the duty of protecting the state of Iowa and the people thereof  
 5 against the steel trade practice commonly known as "Pittsburgh  
 6 Plus" and other similar trade practices, and said committee is hereby  
 7 authorized to use all lawful means for the accomplishment of said  
 8 purposes.



1    **SEC. 2. Appropriation.** There is hereby appropriated out of any  
 2 money in the state treasury not otherwise appropriated the sum of  
 3 ten thousand dollars (\$10,000) for carrying out the purpose of this  
 4 act.

Approved April 17, A. D. 1923.

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## CHAPTER 164

### CORPORATIONS

S. F. 455

AN ACT to amend section one thousand six hundred fourteen (1614) of the code (C. C. Sec. 5334), relating to the time a corporation may begin business, and to the publication of the notice.

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

1    **SECTION 1. Belated publication.** That section one thousand six hun-  
 2 dred fourteen (1614) of the code (C. C. Sec. 5334), be, and the same  
 3 is hereby amended by adding to said section the following: "Providing  
 4 that where the notice is not published within the time herein pre-  
 5 scribed, but is subsequently published for the required time, and proof  
 6 of the publication thereof filed with the secretary of state, the acts  
 7 of such corporation after such publication shall be valid".

1    **SEC. 2. Publication clause.** This act being deemed of immediate  
 2 importance shall take effect on and after its publication in the Des  
 3 Moines Register and the Des Moines Capital, newspapers published in  
 4 Des Moines, Iowa.

Approved March 22, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital March 24, 1923 and the Des Moines Register March 25, 1923.

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

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## CHAPTER 165

### CORPORATIONS

H. F. 335

AN ACT to amend section one (1) chapter one hundred twenty-eight (128) of the acts of the thirty-seventh general assembly (C. C. Sec. 5347), relative to dissolution of corporations, and the giving of notice of such dissolution.

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

1    **SECTION 1. Dissolution.** That section one (1) chapter one hundred  
 2 twenty-eight (128) of the acts of the thirty-seventh general assembly  
 3 (C. C. Sec. 5347), be, and the same is hereby amended by striking out

4 the words "only the officers of a corporation shall be required to sign  
5 and acknowledge the articles of dissolution of such corporation and",  
6 from lines five, six and seven in said section.

Approved March 17, A. D. 1923.

## CHAPTER 166

### COOPERATIVE ASSOCIATIONS

H. F. 728

AN ACT to amend section fifteen (15), chapter one hundred twenty-two (122), laws of the thirty-ninth general assembly (S. C. C. 5408-a15), relating to annual reports of cooperative associations.

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

1 SECTION 1. Reports—penalty. That section fifteen (15) chapter  
2 one hundred twenty-two (122) laws of the thirty-ninth general assem-  
3 bly (S. C. C. 5408-a15), be and it is hereby amended by adding after  
4 the period (.) in line eight (8) thereof, the following: "Such reports  
5 shall be for the calendar or fiscal year immediately preceding the said  
6 first day of March, provided that a calendar or fiscal year has been  
7 completed upon said date." Also by striking all of lines nine (9),  
8 ten (10) and eleven (11) of said section and substituting the following:  
9 "Failure to comply with this section of the act shall subject the delin-  
10 quent association to a penalty of ten dollars (\$10.00). The provisions  
11 of this amendment shall apply to all associations heretofore or here-  
12 after incorporated under the provisions of this act."

Approved April 20, A. D. 1923.

## CHAPTER 167

### INVESTMENT COMPANIES

H. F. 747

AN ACT to amend section one (1), chapter one hundred eighty-nine (189), acts of the thirty-ninth general assembly (S. C. C. 5417), relating to the regulation and supervision of stocks, bonds, securities, and investment companies.

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

1 SECTION 1. Permit to sell stock. That the law as it appears in  
2 section one (1), chapter one hundred eighty-nine (189), acts of the  
3 thirty-ninth general assembly (S. C. C. 5417), be and the same is here-  
4 by amended by inserting in line twelve (12) thereof after the word  
5 "property" the words ", estates, shares of participation, common law  
6 trust agreements".

Approved April 20, A. D. 1923.

## CHAPTER 168

## INVESTMENT COMPANIES

S. F. 504

AN ACT to amend the law as it appears in section one thousand nine hundred and twenty-u16 (1920-u16) of the supplemental supplement to the code, 1915 (C. C. 5433), relating to the sale of stocks and bonds and other securities, providing for the issuance of a permit by the secretary of state, and the cancellation thereof, for the investigation of the securities to be offered for sale and the furnishing of a bond by such broker, and providing for the forfeiture thereon and the amount of liability on said bond.

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

1 SECTION 1. **Bond—conditions—action.** That the law as it appears  
 2 in section one thousand nine hundred twenty-u16 (1920-u16) of the  
 3 supplemental supplement to the code, 1915, be and the same is hereby  
 4 amended by striking out of said section all after the period (.) fol-  
 5 lowing the word "half" in line twenty-three (23) of said section and  
 6 inserting in lieu thereof the following:  
 7 "Before being granted such permit by the secretary of state, the  
 8 stock broker or dealer shall give a bond in the penal sum of five thou-  
 9 sand dollars (\$5,000.00) to the state of Iowa, for the use and benefit  
 10 of any interested person, conditioned upon a strict compliance with  
 11 this act and the honest and faithful application of all funds received  
 12 by said broker, which bond shall be approved by the executive council  
 13 and filed with the secretary of state. Said bond shall be further con-  
 14 ditioned for the payment of all damages suffered by any person dam-  
 15 aged or defrauded by reason of the violation of any of the provisions  
 16 of this chapter, or by reason of any fraud connected with or growing  
 17 out of any transaction contemplated by the provisions of this chapter.  
 18 Action may be brought upon said bond in the county where the plain-  
 19 tiff resides, or in any county in which any of the defendants may be  
 20 sued, or in any county of the state wherein any of the transactions  
 21 relating to the subject matter of the action transpired."

Approved March 28, A. D. 1923.

## CHAPTER 169

## INSURANCE

H. F. 560

AN ACT to repeal section sixteen hundred eighty-three-r (1683-r) (S. C. C. 5460), supplement to the code, 1913, as amended by section fifteen (15), chapter two hundred nine (209), acts of the thirty-ninth general assembly, and to enact a substitute in lieu thereof relating to the insurance department.

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

**SECTION 1. Commissioner of insurance — appointment — tenure—**

1 **bond.** That section sixteen hundred eighty-three-r (1683-r) (S. C. C.  
2 5460), supplement to the code, 1913, as amended by section fifteen  
3 (15), chapter two hundred nine (209), acts of the thirty-ninth general  
4 assembly, be, and the same is hereby repealed, and the following  
5 enacted in lieu thereof:

6 “There shall continue to be a separate and distinct department of  
7 the state government to be known as the “Insurance Department of  
8 Iowa” and the chief officer of which shall be known as the “Commis-  
9 sioner of Insurance” who shall be appointed by the governor and  
10 selected solely with regard to his qualifications and fitness to discharge  
11 the duties of the office. The appointment shall be with the consent  
12 of two-thirds of the members of the senate in executive session and,  
13 unless to fill a vacancy, the commissioner shall hold office for a term  
14 of four years and until his successor is duly appointed and qualified.

15 The appointment shall be made and confirmed by the senate at the  
16 regular session of the general assembly prior to the expiration of the  
17 term on the thirtieth day of June in the year nineteen hundred twenty-  
18 seven (1927) and each fourth calendar year thereafter; provided,  
19 that the term of the commissioner of insurance who is in office on  
20 the thirty-first day of January in the year nineteen hundred twenty-  
21 seven (1927) shall be extended to the first day of July of that year.  
22 A vacancy in such office shall be filled by the governor only for the  
23 balance of the unexpired term.

24 No appointment shall be considered by the senate until the same  
25 shall have been referred to a committee of five, not more than three  
26 of whom shall belong to the same political party, to be appointed by  
27 the president of the senate without formality of a motion, which com-  
28 mittee shall report to the senate in executive session, which report  
29 shall be made at any time when called for by the senate. The con-  
30 sideration of appointment by the senate shall not be had on the same  
31 legislative day that the appointment is so referred.

32 He shall be subject to removal only under provisions of section  
33 twelve hundred fifty-eight-b (1258-b), supplement to the code, 1913  
34 (C. C. 648).

35 Before entering upon the discharge of the duties of his office, the  
36 commissioner of insurance shall give a bond in the penal sum of  
37 twenty-five thousand (\$25,000.00) dollars, conditioned as provided for  
38 in section eleven hundred eighty-three (1183) of the code, (C. C. 612)  
39 the same to be approved by the executive council and filed in the office

40 of the secretary of state. He shall devote his entire time to the duties  
41 of his office."

Approved April 20, A. D. 1923.

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## CHAPTER 170

### INSURANCE

S. F. 424

AN ACT exempting certain societies and associations of employes from the provisions of chapters four (4) to nine (9) inclusive of title nine (IX) of the code as amended.

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

1 SECTION 1. Domestic aid societies exempted. Unless specific refer-  
2 ence is made thereto, no provision of chapters four (4) to nine (9)  
3 inclusive, of title nine (IX) of the code, now in force or hereafter  
4 enacted, shall include or apply to domestic societies which limit their  
5 membership to the employes of

- 6 1. A particular city or town, or  
7 2. A designated firm, business house or corporation.

1 SEC. 2. Determination of exemption. The commissioner of insur-  
2 ance may require from any society such information as will enable him  
3 to determine whether such society is exempt from the provisions of  
4 the laws relating to insurance or to fraternal benefit societies.

Approved April 4, A. D. 1923.

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## CHAPTER 171

### INSURANCE

H. F. 682

AN ACT to amend section seventeen hundred eighty-eight (1788) of the supplement to the code, 1913 (C. C. 5512), relating to assessment life associations, and to amend section seventeen hundred eighty-nine (1789) of the code (C. C. 5513), relating to the beneficiaries of assessment life associations, and to amend section seventeen hundred ninety-eight-a (1798-a), supplement to the code, 1913, as amended by chapter two hundred thirty-four (234) and chapter four hundred thirteen (413) of the acts of the thirty-seventh (37th) general assembly (C. C. 5523), by authorizing the issuance by assessment life associations of certificates or policies of insurance on the legal reserve or level premium plan and providing for the valuation of such policies, and for the investment and use of funds, and the deposit of securities with the commissioner of insurance.

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

1 SECTION 1. Notice of assessment. That section seventeen hun-  
2 dred eighty-eight (1788) supplement to the code, 1913, (C. C. 5512)

3 be, and the same is hereby amended by striking out of line two (2)  
4 immediately following the word "association" the following: "and its  
5 notices of assessment".

1 **SEC. 2. Change of beneficiary.** That section seventeen hundred  
2 eighty-nine (1789) of the code (C. C. 5513) be, and the same is hereby  
3 amended by adding thereto the following: "Provided that the fore-  
4 going provisions of this section shall not be applicable except as to  
5 certificates issued prior to July 4, 1923 to life associations organized  
6 and operating under this chapter issuing life insurance policies or  
7 certificates of membership, and any member or policyholder in any  
8 such life association shall have the right to designate his beneficiary,  
9 and unless the policy is issued without the right of revocation, shall  
10 have the right to change the beneficiary in the manner authorized  
11 by the rules, laws and regulations of the association, or as may be  
12 provided in the policy contract; and no beneficiary under any policy  
13 shall have or obtain any vested right or interest in the death benefits  
14 to be payable under said policy, until such benefits shall become due  
15 and payable after the death of the insured.

1 **SEC. 3. Form and valuation of policies.** That section seventeen  
2 hundred ninety-eight-a (1798-a) supplement to the code, 1913, as  
3 amended by chapter two hundred thirty-four (234) and chapter four  
4 hundred thirteen (413) of the acts of the thirty-seventh (37th) gen-  
5 eral assembly (C. C. 5523) be, and the same is hereby amended by  
6 adding thereto the following: "Any life insurance association, other  
7 than fraternal beneficiary associations, incorporated and doing busi-  
8 ness under the provisions of this chapter, may establish a separate  
9 class of members or policyholders to whom it may issue certificates  
10 or policies of insurance on the legal reserve or level premium plan,  
11 provided that all such policies on the legal reserve or level premium  
12 plan shall be valued on a basis not lower than the valuations required  
13 for insurance companies operating on the level premium or the natural  
14 premium plan under the provisions of chapter six (6) title nine (9)  
15 of the code and amendments thereto. The net cash value of all  
16 policies in force on the legal reserve or level premium plan in any  
17 such association shall be ascertained in accordance with the basis of  
18 valuations which shall be adopted for said policies, and the amount  
19 of such ascertained valuation, and all other amounts which shall be  
20 accumulated and held in trust for the benefit of members or policy-  
21 holders of any class or held for the purpose of fulfilling any contract  
22 in its policies or certificates, shall be invested in the securities provided  
23 in section eighteen hundred six (1806), supplemental supplement to  
24 the code, 1915, as amended by chapter four hundred four (404), of  
25 the acts of the thirty-seventh general assembly, and deposited with  
26 the commissioner of insurance as therein provided.

27 An amount of the funds herein provided for, not less than the  
28 reserve valuation required to be maintained on all such policies on  
29 the legal reserve or level premium plan, shall be held at all times for  
30 the exclusive use and benefit of the class of policyholders having  
31 policies on said legal reserve or level premium plan.

Approved April 9, A. D. 1923.

## CHAPTER 172

## INSURANCE

H. F. 806

AN ACT authorizing and empowering fraternal beneficiary societies, orders and associations now organized and existing, or hereafter organized, under and by virtue of the laws of the state of Iowa, or any such society, order or association, organized and existing under and by virtue of the laws of any other state, province or territory, and now or hereafter admitted to do business within this state, to create, maintain and operate for the benefit of its sick, disabled or distressed members and their families and dependents, hospitals, asylums, sanitoriums, schools and homes.

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

1     **SECTION 1. Maintenance of hospitals, etc.** It shall be lawful for  
2 any fraternal beneficiary society, order or association now organized  
3 and existing or hereafter organized under and by virtue of the laws  
4 of the state of Iowa, or any such society, order or association organized  
5 and existing under and by virtue of the laws of any other state,  
6 province or territory, and now or hereafter admitted to do business  
7 within this state, to create, maintain and operate, for the benefit of  
8 its sick, disabled or distressed members and their families and de-  
9 pendents, out of any general, special or expense fund, and from any  
10 voluntary contributions it may receive therefor, hospitals, asylums,  
11 sanitoriums, schools or homes, and for such purpose any such society,  
12 order or association may own, hold, lease, mortgage, sell and convey  
13 personal property and real property located within or without this  
14 state, with necessary buildings thereon; provided, that the amount  
15 of the general, special or expense fund to be expended, as herein pro-  
16 vided, shall not exceed such amounts as shall have been or shall be,  
17 from time to time, authorized by the legislative or supreme governing  
18 body of such society, order or association; provided, further, that  
19 maintenance, treatment, training and proper attendance in any such  
20 hospital, asylum, sanitorium, school or home may be furnished free,  
21 or a reasonable charge may be made therefor, but no such hospital,  
22 asylum, sanitorium, school or home shall be operated for profit; pro-  
23 vided, further, that no part of the cost or expense of creating, main-  
24 taining or operating any such hospital, asylum, sanitorium, school or  
25 home shall be defrayed or paid out of the mortuary, sick, disability  
26 or benefit funds of any such society. The management of such insti-  
27 tutions shall be in such officers as the supreme governing body may  
28 designate, and such officers may or may not be members of the society,  
29 order or association.

1     **SEC. 2. Legal status.** Any such hospital, asylum, sanitorium,  
2 school or home when established in the manner provided by this act,  
3 is hereby declared to be a charitable institution, with all the rights,  
4 benefits and privileges given to charitable institutions under and by  
5 the constitution and laws of the state of Iowa, and such hospital,  
6 asylum, sanitorium, school or home is hereby declared to be competent  
7 to be named and to take as beneficiary in and by the benefit certificate  
8 of any member of such society, order or association.

1    **SEC. 3. Commissioner of insurance—powers.** The commissioner of  
 2 insurance shall have the same powers, supervision and control over  
 3 such hospitals, asylums, sanitoriums, schools and homes erected by  
 4 any such society incorporated in this state, as he now has, or may  
 5 hereafter legally exercise over fraternal beneficiary societies organ-  
 6 ized or transacting business in this state. Whenever the commis-  
 7 sioner of insurance finds that any such hospital, asylum, sanitorium,  
 8 school or home erected by such domestic society is being mismanaged  
 9 or that the interest of the society or public requires it, the commis-  
 10 sioner may direct an order to the officers responsible for such mis-  
 11 management or in control of such institution with reference to such  
 12 mismanagement, and if such officers refuse, neglect or fail to comply  
 13 with such order within the time fixed by the commissioner of insur-  
 14 ance, the commissioner shall communicate the fact to the attorney  
 15 general, who shall proceed in the manner provided for in section  
 16 eighteen hundred thirty-nine-d (1839-d) of the supplement to the  
 17 code, 1913 (C. C. 5575) as amended, or the court may remove such  
 18 officers guilty of mismanagement and appoint others until the society  
 19 may regularly elect or select other officers to succeed those deposed.

Approved April 16, A. D. 1923.

Note: The word "sanitorium" evidently intended for "sanitarium".

## CHAPTER 173

### INSURANCE

H. F. 514

AN ACT to amend section one thousand six hundred ninety-one (1691) of the code (C. C. 5605), relating to insurance other than life.

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

1    **SECTION 1. Capital required.** That section one thousand six hun-  
 2 dred ninety-one (1691) of the code is hereby amended by striking  
 3 therefrom the first five words in the third line thereof, to wit: "nor  
 4 larger than one million".

1    **SEC. 2. Publication clause.** This act being deemed of immediate  
 2 importance, shall take effect and be in force from and after its publi-  
 3 cation in the Des Moines Register and in the Des Moines Capital,  
 4 newspapers published in the city of Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 23, 1923, and the Des Moines Capital April 23, 1923.

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



## CHAPTER 174

## INSURANCE

S. F. 447

AN ACT to amend section sixteen hundred ninety-six (1696) of the code 1897 (C. C. 5619), relating to the elections of directors of insurance companies other than life insurance companies.

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

1 SECTION 1. Classes of directors. That section sixteen hundred  
 2 ninety-six (1696) of the code relating to insurance companies other  
 3 than life, be amended by striking out the period at the end of section  
 4 sixteen hundred ninety-six (1696) and substituting a comma, and  
 5 adding thereto the following:  
 6 "except that a company may in its articles of incorporation provide  
 7 that the board of directors be divided into classes holding for a term  
 8 of not to exceed three years and providing for the election of the  
 9 members of one class at each annual meeting."

Approved April 4, A. D. 1923.

## CHAPTER 175

## INSURANCE

S. F. 341

AN ACT to amend section sixteen hundred ninety-nine (1699) supplement to the code 1913, (C. C. 5622) and to authorize any company organized under chapter four (4) of title nine (9) of the code of 1897 and amendments thereto, to invest its capital and funds in federal farm loan bonds.

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

1 SECTION 1. Investments authorized. That section sixteen hundred  
 2 ninety-nine (1699) of the code as amended by section sixteen hundred  
 3 ninety-nine (1699) of the supplement to the code, 1913, be and is  
 4 hereby amended by striking out the period (.) following the word  
 5 "States" in paragraph 1 and inserting "or federal farm loan bonds  
 6 issued under the provisions of the act of congress approved July 17,  
 7 1916."

Approved March 9, A. D. 1923.

## CHAPTER 176

## INSURANCE

S. F. 560

AN ACT to amend paragraph one (1) of section seventeen hundred fourteen (1714) (S. C. C. 5632) of the code, as amended by section fourteen (14), chapter four hundred twenty-nine (429), acts of the thirty-seventh general assembly, section seventeen hundred twenty-four (1724) (C. C. 5640) of the code, and section seventeen hundred (1700) (C. C. 5623) of the code, changing the time for filing annual statements, and extending the expiration date of certificates of authority and agents' licenses, relating to insurance other than life.

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

1     **SECTION 1. Annual statement.** That paragraph one (1) of sec-  
2 tion seventeen hundred fourteen (1714) of the code (S. C. C. 5632) be  
3 and the same is hereby amended by striking from the third and  
4 fourth lines thereof the words "on the first day of January of each  
5 year or within thirty days thereafter", and inserting in lieu thereof  
6 the words "before the first day of March of each year", and by strik-  
7 ing from the sixth line thereof the word "month", and inserting in  
8 lieu thereof the word "year".

1     **SEC. 2. Certificates.** That section seventeen hundred twenty-four  
2 (1724) of the code (C. C. 5640) be and the same is hereby amended  
3 by striking from the fourth line thereof the word "March", and in-  
4 serting in lieu thereof the word "April", and adding at the end of  
5 said section the words, "Certificates of authority and agents' licenses  
6 expiring on or before the first day of March, nineteen hundred twenty-  
7 four (1924) are hereby extended until April first of that year".

1     **SEC. 3. Certificates of authority.** That section seventeen hundred  
2 (1700) of the code, as amended by section fourteen (14), chapter four  
3 hundred twenty-nine (429), acts of the thirty-seventh general assem-  
4 bly (C. C. 5623), be and the same is hereby amended by striking from  
5 the thirty-fourth line thereof the word "March", and inserting in lieu  
6 thereof the word "April", and adding at the end of said section the  
7 words "Certificates of authority and agents' licenses expiring on the  
8 first day of March in the year nineteen hundred twenty-four (1924)  
9 are hereby extended until the first day of April of that year."

Approved April 21, A. D. 1923.

## CHAPTER 177

## INSURANCE

S. F. 397

AN ACT amending section seventeen hundred and nine (1709) supplement to the code, 1913, (C. C. 5627), relating to insurance other than life.

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

1     **SECTION 1. Repeal—kinds of insurance.** That subdivision one (1),  
2 section seventeen hundred and nine (1709), supplement to the code,  
3 1913, as repealed and reenacted by section one (1), chapter three  
4 hundred forty-eight (348), laws of the thirty-eighth general assembly  
5 (38th G. A.) (C. C. 5627), be, and the same is hereby repealed and  
6 the following enacted in lieu thereof:

7     “1. Insure dwelling houses, stores, and all kinds of buildings and  
8 household furniture, and other property against loss or damage, in-  
9 cluding loss of use or occupancy, by fire, lightning, rain, windstorm,  
10 tornado, cyclone, earthquake, hail, frost or snow, weather or climatic  
11 conditions including excess or deficiency of moisture, flood, rain or  
12 drought, rising of the waters of the ocean or its tributaries, bombard-  
13 ment, invasion, insurrection, riot, civil war or commotion, military or  
14 usurped power, and by explosion whether fire ensues or not, except  
15 explosion on risks specified in subdivision six (6), section seventeen  
16 hundred and nine (1709) supplement to the code, 1913, and also  
17 against loss or damage by insects or disease to farm crops or products,  
18 and loss of rental value of land used in producing such crops or prod-  
19 ucts, and also against loss or damage by water or other fluid to any  
20 goods or premises arising from sprinkler leakage or from the break-  
21 age of sprinkler, pumps or other apparatus erected for extinguishing  
22 fires, or all other conduits or containers, or by water entering through  
23 leaks or openings in buildings and of water pipes, and against acci-  
24 dental injury to such sprinklers, pumps, apparatus, conduits, contain-  
25 ers or water pipes; and may also insure glass against breakage.”

1     **SEC. 2. Repeal—kinds of insurance.** That subdivision six (6) of  
2 section seventeen hundred and nine (1709), supplement to the code,  
3 1913, is hereby repealed and the following enacted in lieu thereof:

4     “6. Insure against loss or injury to person or property, or both,  
5 and against loss of rents or use of buildings and other property, grow-  
6 ing out of explosion or rupture of boilers, pipes, flywheels, engines, and  
7 machinery.”

1     **SEC. 3. Kinds of insurance.** That subdivision seven (7) of section  
2 seventeen hundred and nine (1709), supplement to the code, 1913, as  
3 amended by section three (3), chapter four hundred twenty-eight  
4 (428), laws of the thirty-seventh general assembly (37th G. A.) be,  
5 and the same is hereby amended by striking out the period at the end  
6 of the first sentence in said subdivision and adding the following:  
7 “or larceny.”; and by striking out the last sentence of said subdivision  
8 seven (7).

1     **SEC. 4. Repeal—kinds of insurance.** That subdivision nine (9) of  
2 section seventeen hundred and nine (1709) supplement to the code,

3 1913, as amended by section four (4), chapter four hundred twenty-  
 4 eight (428), laws of the thirty-seventh general assembly (37th G. A.)  
 5 as amended by section two (2), chapter three hundred forty-eight  
 6 (348), laws of the thirty-eighth general assembly (38th G. A.), be,  
 7 and the same is hereby repealed and the following enacted in lieu  
 8 thereof:

9 "9. Insure vessels, boats, cargoes, goods, merchandise, freights,  
 10 specie, bullion, jewels, profits, commissions, bank notes, bills of ex-  
 11 change and other evidences of debt, bottomry and respondentia inter-  
 12 est and every insurance appertaining to or connected with marine  
 13 risks of transportation and navigation, and insure automobiles, air-  
 14 planes, seaplanes, dirigibles, or other aircraft, whether stationary or  
 15 being operated under their own power, which include all or any of the  
 16 hazards of fire, explosion, transportation, collision, loss by legal liabil-  
 17 ity for damage to property resulting from the maintenance and use  
 18 of automobiles, airplanes, seaplanes, dirigibles, or other aircraft, and  
 19 loss by burglary or theft, vandalism, malicious mischief, or the wrong-  
 20 ful conversion, disposal or concealment of automobiles whether held  
 21 under conditional sale, contract or subject to chattel mortgages, or  
 22 any one or more of such hazards, but not including insurance against  
 23 loss by reason of bodily injury to the person."

Approved March 28, A. D. 1923.

## CHAPTER 178

### INSURANCE

S. F. 486

AN ACT to require insurance companies writing the several classes of insurance authorized by sub-division C of section two (2), chapter four hundred twenty-eight (428) acts of the thirty-seventh general assembly of Iowa (C. C. 5627-5d) to maintain certain reserves for outstanding losses.

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

1 SECTION 1. Liability for suits and claims. That every corporation,  
 2 association, company or reciprocal exchange writing any of the several  
 3 classes of insurance authorized by subdivision c of section two (2),  
 4 chapter four hundred twenty-eight (428), acts of the thirty-seventh  
 5 general assembly of Iowa (C. C. 5627-5d) shall maintain reserves for  
 6 outstanding losses under insurance against loss or damage from acci-  
 7 dent to or injuries suffered by an employe or other person and for  
 8 which the insured is liable computed as follows:

9 1. For all liability suits being defended under policies written more  
 10 than

11 (a) Ten years prior to the date as of which the statement is made,  
 12 one thousand five hundred dollars for each suit.

13 (b) Five and less than ten years prior to the date as of which the  
 14 statement is made, one thousand dollars for each suit.

15 (c) Three and less than five years prior to the date as of which

16 the statement is made, eight hundred and fifty dollars for each suit.

17 2. For all liability policies written during the three years immedi-  
18 ately preceding the date as of which the statement is made, such  
19 reserve shall be sixty per centum of the earned liability premiums of  
20 each of such three years less all loss and loss expense payments made  
21 under liability policies written in the corresponding years; but in any  
22 event, such reserve shall, for the first of such three years, be not less  
23 than seven hundred and fifty dollars for each outstanding liability  
24 suit on said year's policies.

25 3. For all compensation claims under policies written more than  
26 three years prior to the date as of which the statement is made, the  
27 present values at four per centum interest of the determined and the  
28 estimated future payments.

29 4. For all compensation claims under policies written in the three  
30 years immediately preceding the date as of which the statement is  
31 made, such reserve shall be sixty-five per centum of the earned com-  
32 pensation premiums of each of such three years, less all loss and loss  
33 expense payments in connection with such claims under policies writ-  
34 ten in the corresponding years; but in any event, in the case of the  
35 first year of any of such three-year period such reserve shall be not  
36 less than the present value at four per centum interest of the  
37 determined and the estimated unpaid compensation claims under poli-  
38 cies written during such year.

1 SEC. 2. Definitions. The term "earned premiums" as used herein  
2 shall include gross premiums charged on all policies written, including  
3 all determined excess and additional premiums, less return premiums,  
4 other than premiums returned to policy holders as dividends, and less  
5 re-insurance premiums and premiums on policies cancelled, and less  
6 unearned premiums on policies in force. But any participating com-  
7 pany which has charged in its premiums a loading solely for dividends  
8 shall not be required to include such loading in its earned premiums,  
9 provided a statement of the amount of such loading has been filed  
10 with and approved by the commissioner of insurance.

11 The term "compensation" as used in this act, shall relate to all  
12 insurances affected by virtue of statutes providing compensation to  
13 employes for personal injuries irrespective of fault of the employer.  
14 The term "liability" shall relate to all insurance, except compensation  
15 insurance, against loss or damage from accident to or injuries suffered  
16 by an employe or other person and for which the insured is liable.

17 The terms "loss payments" and "loss expense payments" as used  
18 herein shall include all payments to claimants, including payments for  
19 medical and surgical attendance, legal expenses, salaries and expenses  
20 of investigators, and field men, rents, stationery, telegraph and tele-  
21 phone charges, postage, salaries and expenses of office employes, home  
22 office expenses, and all other payments made on account of claims,  
23 whether such payments shall be allocated to specific claims or un-  
24 allocated.

1 SEC. 3. Unallocated expense. All unallocated liability loss expense  
2 payments made in a given calendar year subsequent to the first four  
3 years in which an insurer has been issuing liability policies shall be  
4 distributed as follows: Thirty-five per centum shall be charged to the  
5 policies written in that year, forty per centum to the policies written  
6 in the preceding year, ten per centum to the policies written in the

7 second year preceding, ten per centum to the policies written in the  
8 third year preceding, and five per centum to the policies written in  
9 the fourth year preceding, and such payments made in each of the  
10 first four calendar years in which an insurer issues liability policies  
11 shall be distributed as follows: In the first calendar year one hundred  
12 per centum shall be charged to the policies written in that year, in  
13 the second calendar year fifty per centum shall be charged to the  
14 policies written in that year and fifty per centum to the policies writ-  
15 ten in the preceding year, in the third calendar year forty per centum  
16 shall be charged to the policies written in that year, forty per centum  
17 to the policies written in the preceding year, and twenty per centum  
18 to the policies written in the second year preceding, and in the fourth  
19 calendar year thirty-five per centum shall be charged to the policies  
20 written in that year, forty per centum to the policies written in the  
21 preceding year, fifteen per centum to the policies written in the second  
22 year preceding, and ten per centum to the policies written in the third  
23 year preceding, and a schedule showing such distribution shall be  
24 included in the annual statement.

25 All unallocated compensation loss expense payments made in a given  
26 calendar year subsequent to the first three years in which an insurer  
27 has been issuing compensation policies shall be distributed as follows:

28 Forty per centum shall be charged to the policies written in that  
29 year, forty-five per centum to the policies written in the preceding  
30 year, ten per centum to the policies written in the second year pre-  
31 ceding and five per centum to the policies written in the third year  
32 preceding, and such payments made in each of the first three calendar  
33 years in which an insurer issues compensation policies shall be dis-  
34 tributed as follows: In the first calendar year one hundred per centum  
35 shall be charged to the policies written in that year, in the second  
36 calendar year fifty per centum shall be charged to the policies written  
37 in that year and fifty per centum to the policies written in the preced-  
38 ing year, in the third calendar year forty-five per centum shall be  
39 charged to the policies written in that year, forty-five per centum to  
40 the policies written in the preceding year and ten per centum to the  
41 policies written in the second year preceding, and a schedule showing  
42 such distribution shall be included in the annual statement.

43 Whenever, in the judgment of the commissioner of insurance, the  
44 liability or compensation loss reserves of any insurer under his super-  
45 vision, calculated in accordance with the foregoing provisions, are  
46 inadequate, he may, in his discretion, require such insurer to maintain  
47 additional reserves based upon estimated individual claims or other-  
48 wise.

1 **SEC. 4. Annual statement—requirement.** Each insurer that writes  
2 liability or compensation policies shall include in the annual statement  
3 required by law a schedule of its experience thereunder in such form  
4 as the commissioner of insurance may prescribe.

Approved April 21, A. D. 1923.

## CHAPTER 179

## INSURANCE

S. F. 449

AN ACT amending section seventeen hundred and ten (1710), supplement to the code, 1913, as amended by section five (5), chapter four hundred twenty-eight (428), laws of the thirty-seventh general assembly (37th G. A.) and section three (3), chapter three hundred forty-eight (348), laws of the thirty-eighth general assembly (38th G. A.) and section one (1), chapter two hundred sixty-one (261), laws of the thirty-ninth general assembly (39th G. A.) (S. C. C. 5628) relating to insurance, other than life.

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

1     **SECTION 1. Kind of risks.** That section seventeen hundred and  
2 ten (1710), supplement to the code, 1913, as amended by section five  
3 (5), chapter four hundred twenty-eight (428) laws of the thirty-  
4 seventh general assembly (37th G. A.) and section three (3), chapter  
5 three hundred forty-eight (348), laws of the thirty-eighth general  
6 assembly (38th G. A.) and section one (1) of chapter two hundred  
7 sixty-one (261), laws of the thirty-ninth general assembly (39th G.  
8 A.) be, and the same is hereby amended by inserting after sub-divi-  
9 sion "e" of said section the following:

10     “(f) Any domestic or foreign insurance company authorized in  
11 their state to transact the business specified in sub-division two of  
12 the preceding section, if possessed of paid-up capital stock of five  
13 hundred thousand dollars, may, in addition to transacting the business  
14 authorized by said sub-division two, transact the business of credit  
15 insurance as authorized by sub-division eight of the preceding sec-  
16 tion.”

1     **SEC. 2. Amount of risk.** That said section seventeen hundred and ten  
2 (1710) (S. C. C. 5628) as amended be, and the same is hereby further  
3 amended by inserting, after the word "capital" in line two of the next  
4 to last paragraph of said section and before the word "unless", a  
5 comma, and following the comma, insert the following: "except that  
6 fidelity and surety companies may be exposed on any one risk or  
7 hazard to an amount not exceeding ten (10) per cent of their paid-up  
8 capital and surplus.”

Approved April 10, A. D. 1923.

CHAPTER 180

INSURANCE

H. F. 640

AN ACT to amend section seventeen hundred forty-six (1746) of the code (C. C. 5662), relating to insurance other than life.

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

1 SECTION 1. Coinsurance clause invalid—exceptions. That the law  
 2 as it appears in section seventeen hundred forty-six (1746) of the  
 3 code (C. C. 5662) be and the same is hereby repealed and the following  
 4 enacted in lieu thereof:

5 "Any provisions, contract or stipulation contained in any policy of  
 6 insurance, issued by any insurance company doing business in the  
 7 state under the provisions of this chapter, providing or stipulating  
 8 that the insured shall maintain insurance on any property covered by  
 9 such policy to any extent, or shall to any extent be an insurer of the  
 10 property insured in such policy, or shall bear any portion of the loss  
 11 on the property insured, shall be void; and the commissioner of insur-  
 12 ance shall refuse to authorize any such company to do business or to  
 13 renew the authority or the certificate of any such company when the  
 14 form of policy issued or proposed to be issued contains any such pro-  
 15 vision, contract or stipulation; provided, that upon the written request  
 16 of any person desiring insurance, a rider providing for coinsurance  
 17 may be attached to and become a part of the policy, but in no case  
 18 shall such rider apply to dwellings or farm property. The request  
 19 for the application of the coinsurance clause or rider to any policy  
 20 of insurance shall be written or printed on a single sheet of paper  
 21 which shall contain nothing but the request hereinafter set out, and  
 22 said request must be signed by the insured and a copy thereof be left  
 23 with him by the agent at the time the insurance is applied for. No  
 24 form of request for coinsurance except the following shall be used by  
 25 any company doing business within this state:

26 REQUEST FOR THE APPLICATION OF THE COINSURANCE  
 27 CLAUSE.

28 In consideration of a reduction from the established rate of.....  
 29 per cent to..... per cent in premiums to be paid to the.....  
 30 Insurance Company for insurance upon the following described prop-  
 31 erty.....I hereby request that  
 32 a coinsurance rider be attached to the policy to be issued by said com-  
 33 pany, and hereby agree that during the life of the policy I will maintain  
 34 insurance of the character mentioned in said policy upon said prop-  
 35 erty, to the extent of at least.....per cent of the actual cash  
 36 value thereof at the time of loss, and that failing to do so, I shall  
 37 become a coinsurer to the extent of such deficit.

38 Before signing this request or the coinsurance rider to be attached  
 39 to the policy to be issued, I carefully read each of them and fully  
 40 understand that in case I shall fail to maintain insurance of the char-  
 41 acter mentioned in the policy on the previously described property to  
 42 the extent above provided, then in the event of loss or damage this  
 43 company shall not be liable for a greater per cent of the loss or dam-



44 age to said property than the total amount of insurance maintained  
 45 bears to.....per cent of the actual cash value of the property  
 46 insured at the time of loss. Date.....Insured.

47 The coinsurance rider to be used shall be signed by both the agent  
 48 and the insured, and a copy thereof shall be left with the insured at  
 49 the time the application is made for insurance. The rider shall be  
 50 in form and restrictions as follows:

51 IOWA COINSURANCE AND REDUCED RATE CLAUSE.

52 (This clause must be signed by both the insured and the agent)

53 In consideration of the acceptance by the insured of a reduction in  
 54 premiums from the established rate of.....per cent to.....  
 55 per cent, it is hereby agreed that the insured shall maintain insurance  
 56 during the life of this policy upon the property insured, to the extent  
 57 of at least.....per cent of the actual cash value thereof at  
 58 the time of loss, and, that failing to do so, the insured shall be a  
 59 coinsurer to the extent of such deficit.

60 This clause, at the request of the insured, is attached to and forms  
 61 part of policy number.....of the.....  
 62 Insurance Company of....., and shall in no  
 63 case apply to dwellings or farm property.

64 .....Insured  
 65 Date.....Agent

66 No condition or stipulation in a policy of insurance fixing the amount  
 67 of liability or recovery under such policy with reference to prorating  
 68 with other insurance on property insured shall be valid except as to  
 69 other valid and collectible insurance, any agreement to the contrary  
 70 notwithstanding.

71 The request and the rider hereinbefore referred to shall only be  
 72 permitted to be used in connection with insurance contracts issued in  
 73 this state against the hazards of fire, lightning, tornadoes, cyclones,  
 74 windstorms and sprinkler leakage."

Approved April 20, A. D. 1923.

## CHAPTER 181

### INSURANCE

S. F. 631

AN ACT to amend title nine (IX) chapter five (V), of the code, (C. C. title 18, chapter 8), relating to venue of actions to collect assessments levied to pay losses by hailstorms.

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

1 SECTION 1. Venue. That title nine (IX), chapter five (V) of the  
 2 code, (C. C. title 18, chapter 8), be amended by adding thereto the  
 3 following:

4 Actions to collect assessments from any member of an association  
 5 organized to insure against losses by hailstorm shall be brought in

6 the county where such member resides, any statement in the contract  
7 of insurance to the contrary notwithstanding.

Approved April 16, A. D. 1923.

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## CHAPTER 182

### INSURANCE

H. F. 426

AN ACT to amend section one (1) of chapter one hundred twenty (120) acts of the thirty-ninth general assembly (S. C. C. 5696-a1), relating to the organization, regulation, taxation and operation of mutual insurance associations.

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

1 SECTION 1. **Kinds of insurance.** That section one (1) of chapter  
2 one hundred twenty (120) of the acts of the thirty-ninth general  
3 assembly, be and the same is hereby amended by striking from line  
4 eight (8) thereof the words "theft and" and by striking out the  
5 period following the word "storms" in line thirteen (13) and insert-  
6 ing in lieu thereof the following, "; sixth, theft of personal property."

Approved April 4, A. D. 1923.

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## CHAPTER 183

### INSURANCE

H. F. 360

AN ACT to amend sections four (4), eleven (11), and twelve (12), of chapter one hundred twenty (120), of the acts of the thirty-ninth general assembly (S. C. C. Secs. 5696-a4, 5696-a11 and 5696-a12), relating to mutual insurance associations.

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

1 SECTION 1. **Net assets—hail associations.** That section four (4)  
2 of chapter one hundred twenty (120) of the acts of the thirty-ninth  
3 general assembly be and the same is hereby amended by inserting in  
4 the thirty-fourth line of said section following the word "force," the  
5 following: "less deductions for reinsurance in authorized companies  
6 or associations;"; and also by adding at the end of said section: "Hail  
7 associations may provide in their by-laws and policies for a limited  
8 assessment in any one year; and if the proceeds of such assessment,  
9 and other funds on hand, do not equal the losses and expenses for the  
10 year, such total funds, after payment of expenses, shall be prorated  
11 among the holders of loss claims payable in such year which shall be  
12 in full payment for such loss."

1    **SEC. 2. Officers and directors—election.** That section eleven (11),  
 2 of chapter one hundred twenty (120) of the acts of the thirty-ninth  
 3 general assembly, be and the same is hereby amended as follows: by  
 4 inserting after the word “officers” in the eleventh line of said section  
 5 the words “or directors”; and by inserting after the word “manner”  
 6 in line twelve (12) of said section, the words “and for the length of  
 7 time”.

1    **SEC. 3. Annual tax.** That section twelve (12) of chapter one hun-  
 2 dred twenty (120) of the acts of the thirty-ninth general assembly  
 3 be and the same is hereby amended as follows: by striking out the  
 4 period (.) after “state” in the tenth line thereof, and inserting “and  
 5 dividends returned to policy holders on property situated within the  
 6 state.”.

Approved March 26, A. D. 1923.

## CHAPTER 184

### INSURANCE

S. F. 409

AN ACT to amend the law as it appears in section thirteen (13), chapter one hundred eighty (180), acts of the thirty-seventh general assembly (C. C. Sec. 5720), relating to the annual taxation of premiums collected from subscribers under inter-insurance contracts.

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

1    **SECTION 1. Rate of tax.** That the law as it appears in section  
 2 thirteen (13), chapter one hundred eighty (180), acts of the thirty-  
 3 seventh general assembly (C. C. Sec. 5720) be and the same is hereby  
 4 amended by striking the words “two and one-half per cent” from the  
 5 fifth line of said section thirteen (13), chapter one hundred eighty  
 6 (180), acts of the thirty-seventh general assembly, and by substitut-  
 7 ing in lieu thereof the words “one per cent, if a domestic reciprocal  
 8 organization, and two and one-half per cent, if a foreign reciprocal  
 9 organization, calculated”.

1    **SEC. 2. Fees and taxes.** That the period (.) following the word  
 2 “savings” in the last line of section thirteen (13), chapter one hun-  
 3 dred eighty (180), acts of the 37th G. A. (C. C. Sec. 5720) be stricken  
 4 and a comma (,) substituted therefor, and the following added: “and  
 5 after deducting the amount actually paid for losses on property located  
 6 within this state or on claims arising within this state, and the amount  
 7 returned upon canceled policies and rejected applications covering  
 8 property situated or on business done within this state”.

Approved April 16, A. D. 1923.

## CHAPTER 185

## BANKS AND BANKING

S. F. 496

AN ACT to amend section two (2), chapter three hundred thirty-five (335) of the acts of the 38th general assembly, compiled code five thousand seven hundred fifty-four (C. C. 5754), relating to the fees for examining banks.

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

1 SECTION 1. Examination fee. That section two (2), chapter three  
2 hundred thirty-five (335), of the acts of the 38th general assembly,  
3 compiled code five thousand seven hundred fifty-four (C. C. 5754),  
4 be and the same is hereby amended by striking out the words "two  
5 cents (2c)" in line twelve (12) thereof and inserting in lieu thereof  
6 the words "three cents (3c)".

Approved March 16, A. D. 1923.

## CHAPTER 186

## BANKS AND BANKING

H. F. 687

AN ACT to amend section eighteen hundred fifty-a (1850-a), supplement to the code, 1913 (C. C. 5777), relating to the surplus fund of savings banks; and to amend section eighteen hundred eighty-nine-l (1889-l), supplement to the code, 1913 (C. C. 5831), relating to the surplus fund of banks and trust companies acting in fiduciary capacity; and to require all state banks to create a surplus fund.

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

1 SECTION 1. Surplus required. That section eighteen hundred  
2 fifty-a (1850-a), supplement to the code, 1913 (C. C. Sec. 5777), re-  
3 lating to the surplus fund of savings banks, be, and the same is hereby  
4 amended by striking out in line three (3) the words "any desired  
5 sum as" and adding at the end of said section the following: "Pro-  
6 vided, however, that before any dividend is declared, not less than  
7 one tenth (1/10) of the net profits of the bank for the preceding half  
8 year or for each period as is covered by the dividend shall be carried  
9 to a surplus fund until such surplus shall amount to twenty per cent  
10 (20%) of its capital stock, and no dividend in excess of eight per  
11 cent (8%) per annum for the period covered by said dividend shall  
12 be paid, unless said surplus fund is equal to twenty per cent (20%)  
13 of its capital."

1 SEC. 2. Dividends—limitation. That section eighteen hundred  
2 eighty-nine-l (1889-l) supplement to the code, 1913 (C. C. Sec. 5831),  
3 be, and the same is hereby amended by adding just before the period  
4 (. ) in line sixteen (16) thereof, the following: ", and in no event shall

5 any corporation exercising the powers herein conferred pay any divi-  
 6 dend in excess of eight per cent (8%) per annum for the period cov-  
 7 ered by said dividend unless said surplus is equal to twenty per cent  
 8 (20%) of its capital."

1 **SEC. 3. Net profits carried to surplus fund.** Henceforth before any  
 2 dividend is declared by any state bank, not less than one tenth (1/10)  
 3 of the net profits of the bank for the preceding half year or for each  
 4 period as is covered by the dividend shall be carried to a surplus fund,  
 5 until such surplus shall amount to twenty per cent (20%) of its  
 6 capital stock, and no dividend in excess of eight per cent (8%) per  
 7 annum for the period covered by said dividend shall be paid, unless  
 8 said surplus fund is equal to twenty per cent (20%) of its capital.

Approved March 29, A. D. 1923.

## CHAPTER 187

### BANKS AND BANKING

S. F. 621

AN ACT to amend section eighteen hundred seventy-three (1873) supplement to the  
 code 1913 (S. C. C. 5801) relating to the publication of statement of condition of banks.

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

1 **SECTION 1. Reports required.** That section eighteen hundred sev-  
 2 enty-three (1873) supplement to the code 1913 (S. C. C. 5801), be, and  
 3 the same is hereby amended by striking out the words "five times" in  
 4 line eight (8) and substituting in lieu thereof the words: "three times  
 5 or more at his discretion".

Approved April 2, A. D. 1923.

## CHAPTER 188

## BANKS AND BANKING

S. F. 534

AN ACT to amend section eighteen hundred seventy-seven (1877) of the code of 1897 (C. C. 5803) by adding thereto provisions for the examination, at the instance of receivers appointed thereunder, of persons suspected of having taken wrongful possession of any of the effects of a state or savings bank, or of having had such effects under their control, and providing that such persons may be required to appear and submit to such examination, and for the enforcement of orders made in the course of proceedings.

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

1     **SECTION 1. Wrongful possession of property.** That section eighteen  
2 hundred seventy-seven (1877) of the code of 1897 be and is hereby  
3 amended by adding thereto the following:

4     "The court having direction and control of any such receiver, or  
5 any judge thereof, may require, upon the motion of said receiver, any  
6 person suspected of having taken wrongful possession of any of the  
7 effects of a state or savings bank for which said receiver has been  
8 appointed, or of having had such effects under his control, or any  
9 officer or agent of any such suspected person, to appear and submit  
10 to an examination, under oath, touching such matters, and if, on such  
11 examination it appears that the person examined has the wrongful  
12 possession of any such property, the court or judge may order the  
13 delivery thereof to the receiver.

1     **SEC. 2. Contempt.** If, on being served with the order of the court  
2 or judge requiring him to do so, any person fails to appear in accord-  
3 ance therewith, or if, having appeared, he refuses to answer any  
4 questions which the court or judge thinks proper to be put to him in  
5 the course of such examination, or if he fails to comply with the order  
6 of the court or judge requiring him to deliver any such property or  
7 effects to the receiver he may be committed to the jail of the county  
8 until he does."

1     **SEC. 3. Publication clause.** This act being deemed of immediate  
2 importance shall be in force and effect from and after its publication  
3 in the Des Moines Capital and the Des Moines Register, newspapers  
4 published in the city of Des Moines, Iowa.

Approved April 10, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 12, 1923, and the Des Moines Register April 13, 1923.

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

## CHAPTER 189

## BANKS AND BANKING

S. F. 563

AN ACT to amend section eighteen hundred seventy-seven (1877) of the code, (C. C. Sec. 5803) relating to receiverships for banks.

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

1 SECTION 1. Proceedings against by state—receivers. That section  
2 eighteen hundred seventy-seven (1877) of the code, (C. C. Sec. 5803)  
3 be and the same is hereby amended by striking out that part of said  
4 section following the word, "may", in line twenty-two (22) and enact-  
5 ing the following in lieu thereof: "appoint an additional bank examiner  
6 to assist him in the duty of liquidation and distribution, whereupon  
7 the right of levy, or execution, or attachment against said bank or  
8 its assets shall be suspended, and the superintendent of banking may  
9 apply to the district court for that district in which said bank is  
10 located, or a judge thereof, for the appointment of said superintendent  
11 as receiver for such bank, and its affairs shall thereafter be under the  
12 direction of the court, and the assets thereof after the payment of  
13 the expenses of liquidation and distribution shall be ratably distributed  
14 among the creditors thereof, giving preference in payment to deposi-  
15 tors. The attorney general of the state, or such assistants as may  
16 be appointed by the court, shall represent the superintendent of banks  
17 in all proceedings provided for hereunder. No general assignment  
18 for the benefit of creditors shall be of any validity. The superintendent  
19 of banking henceforth shall be the sole and only receiver or liquidat-  
20 ing officer for state incorporated banks and trust companies and he  
21 shall serve without compensation other than his stated compensation  
22 as superintendent of banking, but he shall be allowed clerical and  
23 other expenses necessary in the conduct of the receivership. All ex-  
24 penses of supervision and liquidation shall be fixed by him, subject  
25 to approval by the court or a judge thereof, and shall upon his cer-  
26 tificate be paid out of the funds of such bank in his hands.

Approved March 20, A. D. 1923.

See chapters 190 and 389.

I hereby certify that the foregoing act was published in the Des Moines Capital May 2, 1923, and the Des Moines Register May 3, 1923, as authorized by and in accordance with senate file 758.

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

## CHAPTER 190

## BANKS AND BANKING

S. F. 758

AN ACT to so amend senate file number five hundred sixty-three (563), approved by the governor March 20, 1923, that said act will take effect on publication.

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

1 SECTION 1. **Amendment as to publication.** That senate file number  
2 five hundred sixty-three (563), approved by the governor March 20,  
3 1923, is hereby amended by adding thereto the following, to-wit:

4 "Sec. 2. This act being deemed of immediate importance shall take  
5 effect on and after its passage and publication in the Des Moines Capital,  
6 and Des Moines Register, newspapers published at Des Moines,  
7 Iowa."

1 SEC. 2. **Duty of secretary of state.** The secretary of state is hereby  
2 directed to add the foregoing amendment to the said act, and to pub-  
3 lish the same.

1 SEC. 3. **Publication clause.** This act being deemed of immediate  
2 importance shall take effect on and after its passage and publication  
3 in the Des Moines Capital, and Des Moines Register, newspapers pub-  
4 lished at Des Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 24, 1923, and in the Des Moines Register April 24, 1923.

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

See chapter 189.

## CHAPTER 191

## AGRICULTURAL WAREHOUSE ACT

H. F. 668

AN ACT to provide for storage of grain in state-licensed warehouses and under state supervision, and the issuance of storage certificates therefor, and providing penalties for offenses thereunder.

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

1 SECTION 1. **Definitions.** That wherever the words "secretary of  
2 agriculture" shall appear in this act it shall refer to the secretary of  
3 agriculture of the state of Iowa in charge of that department.

4 The word "board" shall refer to any local supervisory board of  
5 individual producers appointed by the secretary of agriculture under  
6 the provisions of this act.

7 The word "sealer" shall refer to any person whose duty it shall be



8 under the provisions of this act to seal any granary, crib, bin, or  
9 other receptacle for grain.

10 The word "certificate" shall refer to any certificate or receipt evi-  
11 dencing the storage of grain under the provisions of this act and any  
12 rules or regulations promulgated thereunder.

13 The word "owner" shall refer to and include any person or persons,  
14 (whether individuals, copartnerships or corporations) who shall either  
15 personally or as trustee have title to or the right of possession of any  
16 grain stored under the provisions of this act.

17 The words "grain in storage" shall refer to any grain stored under  
18 the provisions of this act.

1 **SEC. 2. Local supervisory board.** Local supervisory boards con-  
2 sisting of not less than three (3) nor more than seven (7) members  
3 shall be appointed by the secretary of agriculture in any community  
4 upon the application of one or more citizens as hereinafter provided  
5 for the purpose of supervising grain in storage and the issuing of  
6 certificates against such grain, and generally and under the direction  
7 of the secretary of agriculture for carrying out the purposes and  
8 enforcing the provisions of this act. A suitable name and a number  
9 shall be given to such board by the secretary of agriculture. The  
10 members of such boards shall at the time of their appointment be  
11 producers of grain in the state and residents thereof. They shall  
12 continue in office until their successors are appointed by the secretary  
13 of agriculture. In the event of vacancies arising by reason of the  
14 resignation or upon removal from the district or death of any member  
15 or members such vacancies shall be filled in manner and form as in  
16 the case of original appointments. Each board shall appoint one of  
17 its own members as its secretary. The secretary may also be the  
18 treasurer and each board shall also appoint a president and vice  
19 president from its own membership, and their duties shall be those  
20 of similar officers in their organization.

1 **SEC. 3. Qualification.** Members of such boards shall qualify by  
2 taking oath similar to that required of public officials.

1 **SEC. 4. License to local board.** Upon the appointment and qualifi-  
2 cation of the members of such board the secretary of agriculture shall  
3 immediately issue a license to it, and prescribe the duties of its officers  
4 and the records they shall keep. Each license shall be numbered, and  
5 specify the territory which shall be under the jurisdiction of the  
6 board and within which certificates may be issued, such certificates  
7 shall bear the names and the license number of the board. It shall  
8 also have printed thereon such other directions, rules and regulations  
9 as the secretary of agriculture shall make or promulgate and deem  
10 necessary to set forth upon such license.

1 **SEC. 5. Application.** Any person may make application to the sec-  
2 retary of agriculture for the appointment of a board in and for the  
3 community in which he resides, or the secretary of agriculture may  
4 make such appointments upon his own initiative. When any such  
5 application is made the secretary of agriculture shall as soon as prac-  
6 ticable investigate the situation and determine upon the advisability  
7 or otherwise of making the appointments requested.

1 **SEC. 6. Local sealers.** The board shall submit to the secretary of  
2 agriculture the name of some person or persons who shall, subject

3 to the approval of the secretary of agriculture, act as the local sealer  
4 or sealers, and every such sealer shall have the same authority with  
5 respect to the provisions of this act and the rules and regulations  
6 promulgated thereunder, and the enforcement thereof, as any officer  
7 of the peace.

1 **SEC. 7. Applicability of law—appeal.** The privileges of this act  
2 shall be open to all owners upon the same conditions. Any owner  
3 desiring to place his grain in storage and have a certificate or cer-  
4 tificates issued against it shall make application therefor to the board.

5 Any owner aggrieved by any ruling or decision of the board may  
6 appeal to the secretary of agriculture whose decision shall be final.

1 **SEC. 8. Duty of sealers.** It shall be the duty of the sealer under  
2 the direction of the secretary of agriculture to supervise the storage  
3 of grain, to ascertain the amount stored by each owner who shall  
4 desire to avail himself of the provisions of this act, and, to determine  
5 so far as possible, the grade and quality thereof; and he shall, before  
6 delivering a certificate to the owner, securely seal the granary, crib,  
7 bin or other receptacle in which the grain so certified shall have  
8 been stored. He shall have authority at all times to enter upon any  
9 premises for the purpose of inspecting grain in storage or the granary,  
10 crib, bin, or other receptacle in which it shall have been stored, and  
11 the acceptance of a certificate by the owner shall be deemed consent  
12 to entry and inspection by the sealer or any person duly authorized  
13 thereunto by the secretary of agriculture.

14 Seals or locks, or other fastenings employed shall be in accordance  
15 with specifications furnished by the secretary of agriculture.

1 **SEC. 9. Bond of sealer—qualification.** The sealer shall furnish  
2 bond for the faithful performance of his duties in such an amount as  
3 shall be determined by the secretary of agriculture. Such bonds,  
4 and the sureties thereon, shall in every case be subject to the secre-  
5 tary's approval and be deposited with him, and in case it is not a  
6 personal bond the premium thereon shall be payable out of any funds  
7 in the hands of the board.

8 He shall also qualify by taking an oath similar to that required of  
9 public officials.

1 **SEC. 10. Certificates—requirements.** Certificates shall be upon  
2 forms to be prepared by the secretary of agriculture, and every such  
3 certificate must embody within its written or printed terms:

4 (a) The name and license number of the board under which such  
5 certificate is issued.

6 (b) The consecutive number of the certificate.

7 (c) The date of issue of the certificate.

8 (d) A particular description of the granary, bin, crib, or other  
9 receptacle in which the grain is stored, and of the premises upon  
10 which it is located.

11 (e) A description of the grain.

12 (f) The name of the owner or owners, whether ownership is sole,  
13 joint, or in trust, and the conditions of such ownership, and (in the  
14 case of tenants) the date of termination of the lease.

15 (g) A statement of any loans or other indebtedness made to or  
16 owing by the owner which in any manner constitutes a lien, whether  
17 statutory or contractual, including both mortgage and landlord's liens,

18 upon the grain, which statement shall be signed by the owner or his  
19 agent.

20 (h) A form of waiver of liens which may be signed by the lien-  
21 holder.

22 (i) A statement whether the goods received will be delivered to  
23 the bearer, to a specified person, or to a specified person or his order,  
24 and at what place it will be delivered.

25 (j) A facsimile signature of the secretary of agriculture, and the  
26 counter-signature of the sealer.

27 (k) If the owner is married, a waiver by the spouse of any claim  
28 of exemption and a consent to the instrument.

29 (l) A statement as to whether any other certificate has been  
30 issued covering any grain in the same crib, granary, bin, or other  
31 receptacle; and the amount of such other certificate.

1 **SEC. 11. Prohibited terms.** No term or condition shall be inserted  
2 in any certificate, whether negotiable or otherwise which shall in  
3 any manner purport to relieve the owner from exercising that degree  
4 of care in the safe keeping of the grain in storage which a reasonably  
5 prudent man would exercise with regard to similar property of his  
6 own.

1 **SEC. 12. Non-negotiable certificates.** A certificate in which it is  
2 stated that the grain stored shall be released or delivered to the  
3 owner, or to any other specified person, is a non-negotiable certificate.

1 **SEC. 13. Negotiable certificates—termination of negotiability.** A  
2 certificate in which it is stated that the grain stored will be delivered  
3 to the bearer, or to the order of any person named in such certificate,  
4 is a negotiable certificate.

5 No provision shall be inserted in a negotiable certificate that it is  
6 non-negotiable. Such provisions, if inserted, shall be void. Provided  
7 however, that in case the owner is a tenant, the certificate shall cease  
8 to be negotiable from and after the date of the termination of the  
9 lease as it appears thereon.

1 **SEC. 14. Certificates—limitation—suitability of receptacle.** The  
2 sealer shall issue to the owner one or more certificates as herein pro-  
3 vided, but the aggregate amount of the grain represented by such  
4 certificate or certificates shall in no event exceed the amount of grain  
5 stored and sealed by the sealer.

6 Before issuing any certificate he shall satisfy himself as to the  
7 suitability of the bin, crib, granary, or other receptacle in which the  
8 grain is stored and that such receptacle conforms with the regula-  
9 tions applicable thereto promulgated by the secretary of agriculture.

1 **SEC. 15. Duplicate certificates.** The sealer shall file with the secre-  
2 tary of the board a duplicate of all certificates delivered by him, and  
3 the secretary shall keep an accurate record thereof in a book pro-  
4 vided by the secretary of agriculture for the purpose. Such dupli-  
5 cates shall have plainly printed upon the face thereof, "Board Dupli-  
6 cate, No Value."

1 **SEC. 16. Insurance.** All grain stored and sealed under the provi-  
2 sions of this act shall be insured against fire and windstorm in some  
3 insurance association or company authorized to do business in this

4 state and approved by the secretary of agriculture. Such policies of  
5 insurance as are issued shall be deposited with the secretary of agri-  
6 culture and shall inure to the benefit of the holder or holders of the  
7 certificate or certificates issued against the said stored grain and of  
8 the owner, and any incumbrancers or lienholders thereof and thereon  
9 as their interests shall appear.

1 **SEC. 17. Local board as trustee.** Whenever it shall appear that the  
2 interests of holders of certificates and other parties interested may be  
3 further conserved thereby the secretary of agriculture may authorize  
4 the board to act as trustee for such certificates as may be assigned  
5 to it in that capacity and the board may then exercise all the rights  
6 of an owner, subject to the duties and responsibilities imposed and  
7 devolving upon trustees under similar conditions. All certificates is-  
8 sued by the board as trustee shall have that fact plainly set forth  
9 thereon, any other provision of this act to the contrary notwithstand-  
10 ing, but such statement shall in no manner affect the negotiability or  
11 non-negotiability of such certificate.

1 **SEC. 18. Non-negotiable certificate to be marked.** A non-negotiable  
2 certificate shall have plainly printed or written upon its face, "Non-  
3 negotiable" or "Not Negotiable".

1 **SEC. 19. Delivery of grain—burden of proof.** The owner shall, in  
2 the absence of some lawful excuse provided by this act, deliver the  
3 grain stored upon demand made by the holder of a certificate for the  
4 grain, or for such part thereof as is represented by the certificate if  
5 such demand is accompanied by:

6 (a) A showing that all such liens as may appear upon the cer-  
7 tificate and which shall subsist upon the date of the demand have  
8 been satisfied.

9 (b) An offer to surrender the certificate if negotiable, with such  
10 endorsements as would be necessary for the negotiation of certificate,  
11 and,

12 (c) A readiness and willingness to sign, when the goods are de-  
13 livered, an acknowledgment that they have been delivered, if such  
14 signature is requested by the owner.

15 In case the owner refuses or fails to deliver the goods in compliance  
16 with a demand by the holder of a certificate so accompanied, the  
17 burden shall be upon the owner to establish the existence of a lawful  
18 excuse for such refusal.

1 **SEC. 20. Pooling of grain.** Owners may, for the purpose of pooling  
2 their grain and affording a higher degree of security, organize them-  
3 selves into groups of two or more owners of grain in storage, all of  
4 whom shall be jointly and severally liable to holders of certificates  
5 in due course to the extent of seventy-five per cent. of the market  
6 price of the grain represented by certificates issued against it, and  
7 at the time of their sale, pledge, assignment or other lawful dispo-  
8 sition, and all the grain in storage and belonging to said pool shall be  
9 liable for the payment of moneys advanced against, or paid for such  
10 certificates.

1 **SEC. 21. "Group certificates."** Certificates issued by or on behalf  
2 of the members of such groups shall have printed thereon the words  
3 "Group Certificates". They shall embody the same terms as are re-

4 quired in the case of other certificates issued under the provisions of  
5 this act in so far as they are applicable, and in addition thereto shall  
6 have stated thereon the total amount of grain belonging to the pool  
7 and the names of the members constituting the group.

8 All group certificates shall be negotiable, and any provision thereon  
9 contrary thereto or inconsistent therewith or in any manner pur-  
10 porting to relieve the members of the group of their liability or any  
11 part thereof, as provided in the immediately preceding section, shall  
12 be void.

1 SEC. 22. **Application for pool.** When any owners desire to organize  
2 themselves into a group for the purposes described in the two imme-  
3 diately preceding sections, they shall notify the secretary of the  
4 board upon forms provided for that purpose. The secretary shall  
5 transmit a duplicate of such application to the secretary of agricul-  
6 ture. Unless, for good cause shown, the secretary of agriculture shall  
7 expressly disapprove of the organization of such group or groups and  
8 the functioning thereof, the said group or groups shall be permitted  
9 to issue group certificates as provided herein.

1 SEC. 23. **Sealing and supervision.** All provisions of this act with  
2 respect to sealing and supervision of grain in storage shall apply to  
3 the members of groups and the certificates issued by them.

1 SEC. 24. **Duties of secretary of agriculture.** The secretary of  
2 agriculture shall have general supervision of the administration of  
3 the provisions of this act. He shall make and promulgate such rules  
4 and regulations, not inconsistent herewith, as shall be necessary or  
5 desirable effectually to carry out the purposes hereof. He shall make  
6 such reasonable regulations with respect to the construction and main-  
7 tenance of granaries, cribs, bins or other receptacles as may be neces-  
8 sary to protect the grain to be stored therein under the provisions of  
9 this act. He shall prepare and have printed under the same condi-  
10 tions as other state printing the necessary blanks, forms and other  
11 printed matter and shall make such charges to persons desiring such  
12 printed matter as shall meet the cost of production thereof.

1 SEC. 25. **Appeals—procedure.** If any person shall feel aggrieved  
2 by any action of the board or of the sealer or any other official, he  
3 may submit his complaint in writing to the secretary of agriculture  
4 and the secretary of agriculture shall, as soon thereafter as possible,  
5 set the matter down for hearing before himself or one of his deputies,  
6 at such place as shall be desirable and proper, having regard to the  
7 character of the controversy and the locality of the grain and resi-  
8 dence of the parties involved. Likewise, the board may present to  
9 the secretary of agriculture any proper complaint against any owner  
10 and the procedure shall be as nearly as practicable the same as that  
11 in the case of charges filed by owners.

1 SEC. 26. **Correction of abuses—costs.** The secretary of agriculture  
2 shall upon final hearing, make and enter such orders as he shall  
3 deem proper for the correction of improper practices, and may sus-  
4 pend the license of the board offending until such orders are obeyed.  
5 But such suspension shall in no manner relieve the board or the  
6 owners of any liability previously incurred under the provisions of  
7 this act. The costs and expenses of such hearings shall be defrayed

8 by the parties thereto, and shall be apportioned by the secretary of  
9 agriculture in such manner as he shall deem just and equitable.

1     **SEC. 27. Funds—disbursement.** For the purposes of defraying  
2 the expenses of supervision, the owner shall pay to the board at  
3 the time of sealing, an amount which shall not exceed one cent per  
4 bushel of grain inspected and sealed by the sealer. Out of the fund  
5 thus created the compensation of the sealer, as fixed by the board,  
6 subject to the approval of the secretary of agriculture, and all other  
7 expenses, shall be paid. No compensation shall be paid to members of  
8 the board except by the express authorization and approval of the  
9 secretary of agriculture, and then only in case such payments may  
10 be made without overdrawing upon or unduly depleting the funds in  
11 the hands of the board. In the exercise of his powers and functions  
12 as an officer of the peace in connection with the provisions of this  
13 act, the sealer shall be entitled to the same fees as are provided by  
14 law for the performance of similar duties.

1     **SEC. 28. Fees—deposit and disbursement.** The secretary of agri-  
2 culture shall receive the following fees for services rendered under  
3 the provisions of this act:

4     For issuing licenses in each case, three dollars (\$3.00).

5     For approving applications for group organizations, one dollar  
6 (\$1.00).

7     All moneys received by the secretary of agriculture from fees and  
8 other sources in connection with the administration of the provisions  
9 of this act shall be paid into the state treasury and may be drawn  
10 upon by him for the purposes thereof, subject to the provisions of  
11 the law applicable to disbursements by the secretary of agriculture.

1     **SEC. 29. Unlawful breaking of seals.** Any person unlawfully re-  
2 moving, breaking or in any manner interfering or tampering with  
3 any seal, lock or other fastening placed upon any granary, crib, bin  
4 or other receptacle for grain under the provisions of this act, except  
5 when such removal shall be rendered imperative to prevent the dam-  
6 age, loss or destruction of grain stored therein, shall be guilty of a  
7 misdemeanor, and shall be punished by a fine of not less than one  
8 hundred dollars nor more than five hundred dollars, or by imprison-  
9 ment in the county jail for not more than six months, or by both  
10 such fine and imprisonment.

1     **SEC. 30. Fraudulent issuance of certificates.** An owner, the agent  
2 or servant of an owner, or any member of any board, or any sealer,  
3 who fraudulently issues or aids in fraudulently issuing a certificate  
4 for grain, knowing that it contains any false statement, shall be guilty  
5 of a misdemeanor, and upon conviction shall be punished for each  
6 offense by imprisonment in the county jail not exceeding one year,  
7 or by a fine not exceeding one thousand dollars, or by both.

1     **SEC. 31. Unlawful issuance of certificates.** An owner, or any offi-  
2 cer, agent or servant of any owner, who issues or aids in issuing a  
3 duplicate or additional negotiable certificate for grain, knowing that  
4 a former negotiable certificate for the same grain, or any part of it,  
5 is outstanding and uncanceled, without plainly placing upon the face  
6 thereof the word "duplicate", except in the case of a lost or destroyed  
7 certificate after proceedings as provided for in section twenty-five

8 (25), shall be guilty of a felony, and upon conviction shall be punished  
9 for each offense by imprisonment in the penitentiary not exceeding  
10 two years, or by a fine not exceeding one thousand dollars, or by both  
11 such imprisonment and fine.

1 **SEC. 32. Delivery without obtaining certificate.** An owner, or any  
2 officer, agent or servant of an owner, who delivers grain out of the  
3 possession of such owner, knowing that a negotiable certificate, the  
4 negotiating of which would transfer the right to the possession of  
5 such grain, is outstanding and uncanceled, without obtaining the pos-  
6 session of such certificate at or before the time of such delivery, shall,  
7 except when ordered by the court, as hereinbefore provided, be found  
8 guilty of a misdemeanor, and on conviction shall be punished for each  
9 offense by imprisonment in the county jail not exceeding one year,  
10 or by a fine not exceeding one thousand dollars, or by both such im-  
11 prisonment and fine.

1 **SEC. 33. Unlawful sale, mortgage, etc.** Any owner who shall, after  
2 the issuance of a certificate for grain in storage, take, sell, mortgage,  
3 pledge, hypothecate or otherwise incumber, or attempt to take, sell,  
4 mortgage, pledge or otherwise incumber the said grain, or who shall  
5 take or remove it from the receptacle where standing, shall be guilty  
6 of a misdemeanor, and upon conviction thereof, shall be subject to  
7 a fine of not less than one hundred dollars nor more than one thousand  
8 dollars, or by imprisonment in the county jail for not more than one  
9 year, or by both such fine and imprisonment.

1 **SEC. 34. Uniform warehouse act—applicability.** All the provisions  
2 in the uniform warehouse act as found in chapter ten-A (10-A) sup-  
3 plement to the code, 1913, and as set forth in sections three thousand  
4 one hundred thirty-eight-a nine (3138-a9) up to and including section  
5 three thousand one hundred thirty-eight-a forty-eight (3138-a48),  
6 supplement to the code, 1913, relative to the negotiation, transfer,  
7 sale or endorsement of warehouse receipts shall, so far as possible,  
8 apply to the negotiation, transfer, sale or endorsement of the certifi-  
9 cates provided for herein.

10 Where the word "owner" is used in this act, it shall be construed to  
11 be used in the same connection as the word "warehouseman" is used  
12 in the uniform warehouse act, and where the word "certificate" is  
13 used in this act, it shall be construed to be used in the same con-  
14 nection as the word "receipt" is used in the uniform warehouse act.

Approved April 10, A. D. 1923.

## CHAPTER 192

## LIENS

H. F. 408

AN ACT to provide for the creation of a lien for advancements made by junior lien holders.

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

1     **SECTION 1. Lien of certificate holder or junior incumbrancer.** That  
2 the holder of a sheriff's sale certificate or junior lien upon any real  
3 estate after the delinquency of any taxes or special assessment or of  
4 interest on any senior lien, or breach of any condition of a senior  
5 incumbrance, upon payment by him, or performance of the condition  
6 broken, shall have a lien upon said real estate for such expenditures  
7 and interest thereon of equal priority with the lien so held by him  
8 upon his filing with the clerk of the district court in the county in  
9 which the land is situated, of a verified statement of said expendi-  
10 tures and the dates thereof, together with a description of the real  
11 estate, the name of the record owner and a reference to the lien  
12 which he holds and may recover the same in any action brought for  
13 the foreclosure of the junior lien referred to in said verified state-  
14 ment. When such advancements have been made by the holder of  
15 a sheriff's sale certificate the sum so advanced shall be a part of the  
16 amount required to redeem from said sheriff sale.

1     **SEC. 2. Duty of clerk.** It shall be the duty of the clerk of the  
2 district court to record the statements so filed in the incumbrance  
3 book and to enter the same in the lien index.

1     **SEC. 3. Publication clause.** This act being deemed of immediate  
2 importance, shall take effect and be in force from and after its pub-  
3 lication in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved March 29, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
March 31, 1923, and the Des Moines Register April 1, 1923.

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



## CHAPTER 193

## CITIES AND TOWNS

H. F. 680

AN ACT to amend chapter one hundred sixty-seven (167), acts of the thirty-ninth general assembly (S. C. C. 6501), relating to the levy of a tax to pay an annuity to the donor of property to a municipal corporation, and to provide for the disposition of the fund raised by such tax.

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

1 SECTION 1. **Annuity tax—surplus—use.** That section one (1) of  
2 chapter one hundred sixty-seven (167) acts of the thirty-ninth gen-  
3 eral assembly be and the same is hereby amended by adding thereto  
4 the following after the period following the word “mills” in line  
5 seventeen (17): “Any amount collected by a tax so levied and which  
6 is not required for the payment of such annuity shall be used for the  
7 purposes for which such gift or bequest is made and may be trans-  
8 ferred to such fund as will enable it to be used for such purpose.”

Approved April 20, A. D. 1923.

## CHAPTER 194

## LEGALIZING ACTS

S. F. 687

AN ACT to amend section one (1) of chapter two hundred twenty-eight (228), acts thirty-ninth (39) general assembly, (S. C. C. 6534-a1) relating to legalizing acts.

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

1 SECTION 1. **Proof of publication.** Section one (1) of chapter two  
2 hundred twenty-eight (228), acts thirty-ninth (39) general assembly,  
3 is amended by striking from lines nine (9) and ten (10) the words  
4 “printed in the house or senate journal”, and by inserting in lieu  
5 of said stricken words the following:  
6 “filed with the chief clerk of the house and with the secretary of  
7 the senate, and a brief minute of such filing entered on the respective  
8 journals.”

Approved April 21, A. D. 1923.

## CHAPTER 195

## REAL PROPERTY

H. F. 630

AN ACT to amend the law as it appears in section one (1) of chapter three hundred eighty-eight (388), acts of the thirty-seventh general assembly (C. C. 6551), relating to absence of acknowledgments or defective acknowledgments.

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

1 SECTION 1. Acknowledgments. That section one (1) of chapter  
2 three hundred eighty-eight (388), acts of the thirty-seventh general  
3 assembly (C. C. 6551), be and the same is hereby amended by striking  
4 out the word "ten" in line five (5) thereof, and inserting in lieu  
5 thereof the word "fifteen".

1 SEC. 2. Pending litigation. Nothing in this act shall affect pending  
2 litigation.

Approved April 17, A. D. 1923.

## CHAPTER 196

## CORPORATIONS

H. F. 827

AN ACT to amend the law as it appears in section sixteen hundred eighteen-one a (1618-1a), supplemental supplement to the code, 1915 (C. C. 6572), relating to renewals of charters for private corporations.

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

1 SECTION 1. Renewals—legalization. That the law as it appears  
2 in section sixteen hundred eighteen-one a (1618-1a), supplemental  
3 supplement to the code, 1915 (C. C. 6572), be and the same hereby is  
4 amended by striking from line two (2) of said section the words and  
5 figures "February 1, 1915" and substituting in lieu thereof the fol-  
6 lowing:  
7 "July first, nineteen hundred twenty-three (1923)".

Approved April 19, A. D. 1923.

## CHAPTER 197

## DIVORCE

S. F. 386

AN ACT to amend section thirty-one hundred eighty (3180) of the code (C. C. 6629), relating to divorce, separate maintenance and support of parties and children and punishment for failing to obey certain orders of court.

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

- 1 SECTION 1. **Contempt.** That section thirty-one hundred eighty  
 2 (3180) of the code (C. C. 6629) be, and the same is hereby amended  
 3 by inserting after the word "right" in line three (3) thereof the fol-  
 4 lowing:  
 5 "If any party against whom such decree has been entered, shall  
 6 wilfully disobey the same or secrete his property, he may be cited  
 7 and punished by the court for contempt."

Approved April 21, A. D. 1923.

## CHAPTER 198

## MINORS

H. F. 413

AN ACT to amend section thirty-one hundred eighty-eight (3188) of the code (C. C. 6637) relating to the period of minority of both sexes.

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

- 1 SECTION 1. **Period of minority—marriage.** Section thirty-one  
 2 hundred eighty-eight (3188) of the code, (C. C. 6637) is hereby re-  
 3 pealed and the following enacted in lieu thereof:  
 4 "The period of minority extends to the age of twenty-one years;  
 5 but females may contract marriage as adults after the age of eighteen  
 6 years, and all minors attain their majority by marriage."  
 1 SEC. 2. **Applicability of act.** This act shall not apply to unmarried  
 2 females who shall have attained the age of eighteen on or prior to  
 3 July 4, 1923.

Approved April 10, A. D. 1923.

## CHAPTER 199

## GUARDIANSHIP

S. F. 385

AN ACT to amend section three thousand two hundred nineteen (3219) of the code, (C. C. Sec. 6670) relating to appointment of guardians for drunkards, spendthrifts, and lunatics, and other persons.

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

1 SECTION 1. Application by ward. That the law as it appears in  
2 section three thousand two hundred nineteen (3219) of the code  
3 (C. C. 6670), be and the same is hereby amended by adding thereto  
4 as paragraph four the following:

5 4. Any other person may upon his own application, by verified  
6 petition, have a guardian appointed for his person or property or  
7 both, if in the opinion of the district court or judge to whom the  
8 petition is presented, said appointment would inure to the best interest  
9 of said applicant. Upon such application no notice of the hearing  
10 shall be required.

Approved March 20, A. D. 1923.

## CHAPTER 200

## SUPERIOR COURTS

H. F. 626

AN ACT to repeal section two hundred seventy-eight (278) of the code, (C. C. 6910) relating to the salary of judges of superior courts and to enact a substitute therefor.

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

1 SECTION 1. Salary. That section two hundred seventy-eight (278)  
2 of the code of 1897, (C. C. 6910) be and the same is hereby repealed.  
3 and the following substituted in lieu thereof:

4 The salary of each superior court judge in all cities having a popu-  
5 lation of less than twenty-five thousand (25,000) shall be two thou-  
6 sand dollars (\$2,000) per annum, payable quarterly. In cities having  
7 a population of more than twenty-five thousand (25,000) and less  
8 than forty-five thousand (45,000) such salary shall be three thousand  
9 dollars (\$3,000) per annum, payable quarterly.

10 The first two quarters shall, in all cases, be paid from the city  
11 treasury, and the last two from the county treasury of the county  
12 wherein said court is located.

Approved April 12, A. D. 1923.

## CHAPTER 201

## FOURTH JUDICIAL DISTRICT

H. F. 306

AN ACT to amend section two hundred twenty-seven (227) of the supplemental supplement to the code, 1915, (C. C. 6937), relating to the number of district judges in each district, and providing that the number of judges in the fourth judicial district shall be four, and providing a method for filling the additional office created by this act, and for the election of a judge to fill the office hereby created, when the term of an appointee to fill such office shall expire as provided by law.

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

1 SECTION 1. That section two hundred twenty-seven (227) of the  
2 supplemental supplement to the code, 1915, (C. C. 6937), be and the  
3 same is hereby amended, by striking therefrom lines nine and ten  
4 (9 and 10), and inserting in lieu thereof the following: "The fourth  
5 district shall consist of the counties of Woodbury and Monona, and  
6 have four judges."

1 SEC. 2. The additional office created by this act shall be filled by  
2 appointment by the governor, and the person so appointed shall hold  
3 his office until the thirty-first day of December, 1926, and until his  
4 successor is elected and qualified, which successor shall be elected  
5 at the general election in 1926 and every four years thereafter.

1 SEC. 3. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Sioux City  
3 Journal, a newspaper of general circulation published at Sioux City,  
4 Iowa, and the Des Moines Capital, a newspaper of general circulation  
5 published at Des Moines, Iowa.

Approved February 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital February 17, 1923, and the Sioux City Journal February 19, 1923.

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

## CHAPTER 202

## TWELFTH JUDICIAL DISTRICT

H. F. 294

AN ACT to amend section two hundred twenty-seven (227), supplemental supplement to the code, 1915, (C. C. 6937), and to provide an additional judge for the twelfth judicial district.

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

1 SECTION 1. **Judges increased.** That section two hundred twenty-  
2 seven (227), supplemental supplement to the code, 1915, (C. C. 6937),  
3 be amended by striking out the word "three" in the twenty-seventh

4 line thereof, relating to the number of judges in the twelfth judicial  
5 district, and inserting the word "four" in lieu thereof.

1 **SEC. 2. Appointment and election.** The governor shall appoint a  
2 judge for the twelfth judicial district, in conformity herewith, who  
3 shall hold his office until the election and qualification of his succes-  
4 sor, as herein provided. At the general election in 1924 a judge shall  
5 be elected in said district, who shall hold his office for a term of four  
6 years, as provided by law.

1 **SEC. 3. Conflicting provisions.** All acts or parts of acts in conflict  
2 with this act are hereby repealed.

1 **SEC. 4. Publication clause.** This act, being deemed of immediate  
2 importance, shall take effect and be in force from and after its pub-  
3 lication in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved February 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
February 17, 1923, and the Des Moines Register February 19, 1923.

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

## CHAPTER 203

### THIRTEENTH JUDICIAL DISTRICT

H. F. 356

AN ACT to amend section two hundred and twenty-seven (227) of the supplemental  
supplement to the code, 1915, (C. C. 6937), relating to the division of the state into  
judicial districts, and increasing the number of district judges in the thirteenth  
judicial district, and providing a method for filling the additional office created by  
this act, and for the election of a judge to fill the office hereby created, when the  
term of an appointee to fill such office shall expire as provided by law.

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

1 **SECTION 1. Thirteenth district—additional judge.** That the thir-  
2 teenth subdivision of section two hundred and twenty-seven (227)  
3 of the supplemental supplement to the code, 1915, (C. C. 6937) as  
4 amended, is hereby amended by striking out the word "two" as the  
5 same appears in the second line of said subdivision and substituting  
6 in lieu thereof, the word "three" so that said subdivision shall read  
7 as follows, "The thirteenth district shall consist of the counties of  
8 Clayton, Allamakee, Fayette, Winneshiek, Howard, and Chickasaw,  
9 and have three judges".

1 **SEC. 2. Temporary appointment—election.** The additional office  
2 created by this act shall be filled by appointment by the governor, and  
3 the person so appointed shall hold his office until the first day of  
4 January in 1925, and until his successor is elected and qualified, which

5 successor shall be elected at the general election in 1924, and every  
6 four years thereafter.

Approved April 11, A. D. 1923.

See chapter 390.

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## CHAPTER 204

### JURORS

H. F. 311

AN ACT to amend section three hundred thirty-three (333) of the supplement to the code, 1913 (S. C. C. 6990), relating to exemption from jury service.

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

1 SECTION 1. **Exemptions enlarged.** That section three hundred  
2 thirty-three (333) of the supplement to the code, 1913, (S. C. C. 6990)  
3 be and the same is hereby amended by adding after the comma imme-  
4 diately after the word "physicians" in line three (3) of said section  
5 the following: "licensed embalmers, registered nurses, chiropractors,  
6 osteopaths,".

Approved February 24, A. D. 1923.

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## CHAPTER 205

### JURY LISTS

H. F. 289

AN ACT to amend section three hundred thirty-five (335), supplement to the code, 1913, (C. C. Sec. 6992), relating to the drawing of jury lists.

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

1 SECTION 1. **Number selected.** That the law as it appears in section  
2 three hundred thirty-five (335), supplement to the code, 1913, (C. C.  
3 Sec. 6992), is hereby amended by striking out the words "one fourth"  
4 in line ten (10) of said section, and inserting in lieu thereof the words  
5 "one eighth", and by striking out of line thirteen (13) of said section  
6 the word "thirty", and inserting in lieu thereof the word "fifteen".

1 SEC. 2. **Superfluous matter.** That the law as it appears in section  
2 three hundred thirty-five (335), supplement to the code, 1913, (C. C.  
3 Sec. 6992), is hereby amended by striking out of lines five and six  
4 (5 and 6) the following words, "in A. D. nineteen hundred twelve,  
5 and biennially thereafter".

Approved February 10, A. D. 1923.

## CHAPTER 206

## EXEMPTIONS

H. F. 561

AN ACT making workmen's compensation awards exempt from garnishment, attachment and execution.

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

1 SECTION 1. Compensation award. Any compensation due or that  
2 may become due an employee or dependent under the provisions of  
3 chapter one hundred forty-seven (147), acts of the thirty-fifth gen-  
4 eral assembly as amended (C. C. Chap. 3, Title 5), shall be exempt  
5 from garnishment, attachment and execution.

Approved April 20, A. D. 1923.

## CHAPTER 207

## WILLS

S. F. 417

AN ACT to amend section one (1), chapter eighty-eight (88) acts of the thirty-eighth general assembly (C. C. Sec. 7806), relating to notice for probating wills.

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

1 SECTION 1. Notice of hearing. That section one (1), chapter  
2 eighty-eight (88) acts of the thirty-eighth general assembly (C. C.  
3 Sec. 7806) be amended by adding after the comma following the  
4 word, "vacation" in line five of said section, the following: "or clerk,".

1 SEC. 2. Publication clause. This act being deemed of immediate  
2 importance, shall take effect and be in force from and after its pub-  
3 lication in the Des Moines Register and the Des Moines News, news-  
4 papers published in Des Moines, Iowa.

Approved April 4, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News, April 6, 1923, and the Des Moines Register April 7, 1923.

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



## CHAPTER 208

## WILLS AND LETTERS OF ADMINISTRATION

H. F. 468

AN ACT to amend section three thousand three hundred four (3304) of the code (C. C. 7826), relating to notice of appointment of executors and administrators, and legalizing notice of appointment given prior to January 1, 1920.

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

1 SECTION 1. Notice of appointment. That the law as it appears in  
2 section three thousand three hundred four of the code (C. C. 7826)  
3 be, and the same is hereby amended by striking out the period at  
4 the end of said section, and adding thereto the following: "and en-  
5 tered of record in the probate docket."

1 SEC. 2. Publication legalized. That in all instances prior to Janu-  
2 ary 1, 1920, where executors or administrators have failed to publish  
3 notice of their appointment as required by code section three thou-  
4 sand three hundred four (3304), but have published a notice of ap-  
5 pointment, such notice of appointment is hereby legalized and shall  
6 have the same force and effect as though the same had been pub-  
7 lished as directed by the court or clerk.

Approved April 11, A. D. 1923.

## CHAPTER 209

## PROPERTY STOLEN OR EMBEZZLED

S. F. 701

AN ACT to amend section fifty-five hundred seventy-three (5573) of the code of 1897 (C. C. Sec. 8054) relating to the disposition of stolen, embezzled or abandoned motor vehicles not claimed by the owner thereof.

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

1 SECTION 1. Disposition of motor vehicles. That the law as it  
2 appears in section fifty-five hundred seventy-three (5573) of the code  
3 of 1897 (C. C. Sec. 8054) be and the same is hereby amended by add-  
4 ing at the end of said section the following: "Provided, that, when-  
5 ever any motor vehicle is stolen, embezzled or abandoned and is not  
6 claimed by the owner before the date on which the person charged  
7 with the stealing or embezzling of same is convicted, or if the motor  
8 vehicle be abandoned and is not claimed by the owner within three  
9 (3) days, the officer having same in his custody must, on such date  
10 by registered mail, notify the secretary of state that he has such a  
11 motor vehicle in his possession, giving a full and complete descrip-  
12 tion of same including all marks of identification, factory and serial  
13 numbers.

14 The secretary of state shall, if the owner appears of record in his  
 15 office, notify such owner of the fact that such motor vehicle is in the  
 16 custody of such officer, and if not of record in his office, said secretary  
 17 of state shall mail such description to the county treasurer of each  
 18 county, and to the State Bureau of Investigation.

19 If, within forty (40) days thereafter, the owner of such motor  
 20 vehicle appears and properly identifies same the officer having said  
 21 motor vehicle in his custody, shall deliver same to such owner upon  
 22 payment by him of the costs incurred incident to the apprehension  
 23 of said motor vehicle and the location of such owner. If the owner  
 24 does not appear within that time, the officer having possession of  
 25 same shall advertise said motor vehicle for sale in a newspaper pub-  
 26 lished within the county at least once each week for two consecutive  
 27 weeks.

28 Said motor vehicle shall be sold at public auction to the highest  
 29 cash bidder therefor and said sale must be held within one week  
 30 following the date of the last publication of the notice as provided  
 31 herein. After deducting the costs incident thereto, such officer shall  
 32 pay all remaining money to the county treasurer for the use and  
 33 benefit of the general fund.

34 If, within six (6) months from the date of sale, the owner of any  
 35 motor vehicle sold under the provisions hereof, makes a showing satis-  
 36 factory to the board of supervisors that he is the owner of such motor  
 37 vehicle, the board may direct the county auditor to draw a warrant  
 38 payable to such owner for the amount such vehicle was sold for less  
 39 costs and direct the treasurer to pay same out of the general fund.

Approved April 21, A. D. 1923.

## CHAPTER 210

### MANSLAUGHTER

S. F. 271

AN ACT to further define the crime of manslaughter in the case of death resulting from the consuming of intoxicating liquor, relating to title twenty-four (XXIV) of the code of eighteen hundred ninety-seven (1897) (C. C. title XXXIII), of crimes and punishments.

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

1 SECTION 1. Amendatory declaration. That title twenty-four  
 2 (XXIV) of the code of eighteen hundred ninety-seven (1897), relating  
 3 to crimes and punishments be amended so as to further define the  
 4 crime of manslaughter.

1 SEC. 2. Death through sale or gift of liquor. Any person who sells,  
 2 gives away, or otherwise furnishes intoxicating liquor contrary to  
 3 law which causes the death of a human being is guilty of manslaugh-  
 4 ter and punishable accordingly.

1    **SEC. 3. Publication clause.** This act being deemed of immediate  
2 importance, shall take effect from and after its passage and publi-  
3 cation in the Des Moines Capital and the Des Moines Register, news-  
4 papers published in the city of Des Moines, Iowa.

Approved March 20, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
March 21, 1923, and the Des Moines Register March 22, 1923.

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

## CHAPTER 211

### KU-KLUX KLAN ACT

H. F. 402

AN ACT to define a misdemeanor committed by any person masked or in disguise who shall prowl, travel, ride or walk within this state to the disturbance of the peace and to the intimidation of any person, and to provide a punishment therefor, and to define assault with intent to commit a felony committed by any person masked or in disguise and to provide a punishment therefor, and to define assault with a dangerous weapon by a person while masked or in disguise, and to provide a punishment therefor.

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

1    **SECTION 1. Traveling under disguise.** Any person, masked or in  
2 disguise, who shall prowl, travel, ride, or walk within this state to  
3 the disturbance of the peace or to the intimidation of any person,  
4 shall be guilty of a misdemeanor and on conviction thereof shall be  
5 fined not less than one hundred dollars (\$100) nor more than five  
6 hundred dollars (\$500) or imprisonment in the county jail of the  
7 county for not less than thirty (30) days nor more than six (6)  
8 months, or by both such fine and imprisonment.

1    **SEC. 2. Trespass while disguised.** Any person, masked or in dis-  
2 guise, who shall enter upon the premises of another or demand ad-  
3 mission into the house or inclosure of another with intent to inflict  
4 bodily injury or injury to property, shall be deemed guilty of assault  
5 with intent to commit a felony and such entrance or demand for ad-  
6 mission shall be prima facie evidence of such intent and upon con-  
7 viction thereof, such person shall be punished by imprisonment in the  
8 penitentiary for a term of not more than ten (10) years.

1    **SEC. 3. Assault while disguised.** Any person within this state  
2 masked or in disguise who shall assault another with a dangerous  
3 weapon shall be deemed guilty of an assault with intent to commit  
4 murder and shall be punished by imprisonment in the penitentiary  
5 for a term not to exceed twenty (20) years.

Approved April 9, A. D. 1923.

## CHAPTER 212

## CARNAL KNOWLEDGE OF IMBECILE

S. F. 435

AN ACT to amend section forty-seven fifty-eight (4758) of the code of 1897 (C. C. 8607), relating to ravishment of imbecile females, and providing punishment therefor.

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

1 SECTION 1. **Punishment.** That section four thousand seven hun-  
2 dred fifty-eight (4758) of the Code of 1897, be amended by striking  
3 out all after the word "punished" in line six (6) and inserting in  
4 lieu thereof the following: "by imprisonment for life or any term of  
5 years".

1 SEC. 2. **Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect from and after its passage  
3 and its publication in the Des Moines Register and the Des Moines  
4 Capital, newspapers published at Des Moines, Iowa.

Approved March 20, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital March 21, 1923, and the Des Moines Register March 22, 1923.

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

## CHAPTER 213

## ROBBERY

H. F. 343

AN ACT to amend section four thousand seven hundred fifty-four (4754) of the code (S. C. C. 8671) relating to the punishment for the crime of robbery.

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

1 SECTION 1. **Punishment increased.** That section four thousand  
2 seven hundred fifty-four (4754) of the code (S. C. C. 8671) be and the  
3 same is hereby amended by striking out of line six (6) of said section  
4 the words "not exceeding twenty (20) nor less than ten (10) years"  
5 and by substituting in lieu therefor the words "of twenty-five (25)  
6 years".

Approved February 15, A. D. 1923.

## CHAPTER 214

## LASCIVIOUS CONDUCT

S. F. 437

AN ACT to amend an act of the fortieth (40th) general assembly approved by the governor on February 10, 1923, and entitled "an act to amend, revise and codify section eighty-eight hundred three (8803) of the compiled code of Iowa, relating to immoral and lascivious acts with or in the presence of children," and known as senate file number 249.

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

1 SECTION 1. **Age extended.** Section one (1) of an act of the fortieth  
2 (40) general assembly and approved February tenth (10), nineteen  
3 hundred twenty-three (1923), and entitled "An act to amend, revise  
4 and codify section eighty-eight hundred three (8803) of the compiled  
5 code of Iowa, relating to immoral and lascivious acts with or in the  
6 presence of children", and known as senate file number 249, is amended  
7 by striking therefrom the following word, characters, and figures,  
8 to wit: "thirteen (13)", and by inserting in lieu thereof the following  
9 word, characters, and figures, to wit: "sixteen (16)".

Approved April 21, A. D. 1923.

See chapter 274.

## CHAPTER 215

## GAMBLING AND LOTTERIES

H. F. 797

AN ACT relating to property offered as a stake, or staked, paid, bet, wagered, laid or deposited in connection with or as a part of any game of chance, lottery, gambling scheme or device, gift enterprise, or any other trade scheme unlawful under the laws of this state; and providing for the seizure of such property and its disposition.

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

1 SECTION 1. **Forfeiture and seizure.** Property, whether real or per-  
2 sonal, offered as a stake, or any moneys, property or other thing of  
3 value staked, paid, bet, wagered, laid or deposited in connection with  
4 or as a part of any game of chance, lottery, gambling scheme or de-  
5 vice, gift enterprise or other trade scheme unlawful under the laws  
6 of this state shall be forfeited to the state and shall be seized by the  
7 sheriff or any other peace officer and shall be disposed of as herein  
8 provided.

1 SEC. 2. **Notice of seizure.** The sheriff or other peace officer who has  
2 seized property under the provisions of this act shall, within three  
3 (3) days cause notice of such seizure to be given to the owner or  
4 person in possession of such property if known and to be found within

5 the county; and if not known and if not found within the county,  
6 such notice shall be served by posting a copy thereof in three (3)  
7 public places within the county, one copy of which, in cases of real  
8 property, shall be posted on the premises.

9 Such notice shall describe as nearly as may be the property seized  
10 and shall state that the matter of the disposition of said property  
11 will come on for hearing at the next term of the district court there-  
12 after.

1 SEC. 3. **Hearing—order of disposal.** Any person owning or having  
2 an interest in any such property may appear on the day appointed  
3 for such hearing by the court and show that the property seized is  
4 not of the character described in section one (1) hereof. If such  
5 claim is established, such property shall be returned to the owner  
6 thereof and to the place from which taken. If it is determined by the  
7 court that the property seized is of the character described in section  
8 one (1) of this act, it shall enter an order directing the immediate  
9 destruction of all such property which does not have a legitimate use  
10 and the sale of all property other than money which may be used  
11 legitimately. All moneys received under the provisions of this act,  
12 either by seizure or as a result of sale, shall, after the payment of all  
13 costs, be paid into the school fund. All proceedings shall be docketed  
14 in the name of the state against the property seized and shall be tried  
15 as an ordinary action, the county attorney appearing for the state.

Approved April 14, A. D. 1923.

## CHAPTER 216

### INFRINGEMENT OF CIVIL RIGHTS

H. F. 334

AN ACT to amend section five thousand eight (5008) chapter eleven (11) title twenty-four (24) of the code (C. C. 8888, 8889) relating to infringement of civil rights, providing for a specific penalty for violation thereof.

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

1 SECTION 1. **Penalty.** That section five thousand eight (5008) chap-  
2 ter eleven (11) title twenty-four (24) of the code, (C. C. 8888, 8889)  
3 be, and the same is hereby amended by striking out the period after  
4 the word "misdemeanor" at the end of the section, and adding the  
5 following words thereto, "and shall be punished by a fine not to  
6 exceed \$100.00 or imprisonment in the county jail not to exceed thirty  
7 days."

Approved March 28, A. D. 1923.

## CHAPTER 217

## JAIL BREAKING

H. F. 438

AN ACT to amend section four thousand eight hundred ninety-eight (4898) of the supplement to the code, 1913, (C. C. 9008), relating to breaking jail and punishment.

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

1 SECTION 1. Jail breaking. That section forty-eight hundred ninety-  
2 eight (4898) of the supplement to the code, 1913 (C. C. 9008), be, and  
3 the same is hereby amended by striking out of lines one (1) and two  
4 (2) of said section the words "a county" and inserting in lieu thereof  
5 the word "any".

Approved March 28, A. D. 1923.

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## CHAPTER 218

## FOREIGN PEACE OFFICERS

H. F. 359

AN ACT conferring certain powers on peace officers, extradition agents and officers of penal institutions from other states while transporting persons in their custody within this state.

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

1 SECTION 1. Peace officers of foreign state. Any peace officer or  
2 extradition agent of another state bringing any person within this  
3 state or transporting such person through the state under a warrant  
4 of arrest or extradition warrant issued in another state, or the officer  
5 of any penal institution of another state conveying or transporting  
6 a prisoner of such institution into or through this state, shall have  
7 the same authority as to the custody and restraint of such person  
8 while in the state of Iowa, as duly constituted peace officers of this  
9 state have in making an arrest under process issued by the courts  
10 of this state.

Approved March 9, A. D. 1923.

## CHAPTER 219

## BAIL

S. F. 305

AN ACT repealing sections five thousand five hundred fifteen (5515) (C. C. Sec. 9268), five thousand five hundred sixteen (5516) (C. C. Sec. 9269), five thousand five hundred seventeen (5517) (C. C. Sec. 9270) of the code of 1897, and section five thousand five hundred eighteen (5518) of the supplement to the code, 1913, (C. C. Sec. 9271), and five thousand five hundred nineteen (5519) (C. C. Sec. 9272) of the code, relating to forfeiture of bail, and to enact a substitute therefor.

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

1     **SECTION 1. Repeal—entry of forfeiture.** That sections five thou-  
2 sand five hundred fifteen (5515) (C. C. Sec. 9268), five thousand five  
3 hundred sixteen (5516) (C. C. Sec. 9269), five thousand five hundred  
4 seventeen (5517) (C. C. Sec. 9270) of the code of 1897, and section  
5 five thousand five hundred eighteen (5518) of the supplement to the  
6 code, 1913, (C. C. Sec. 9271) and five thousand five hundred nineteen  
7 (5519) (C. C. Sec. 9272) of the code, be and the same are hereby  
8 repealed and the following enacted in lieu thereof:

9     If the defendant fails to appear for arraignment, trial or judgment,  
10 or at any other time when his personal appearance in court is lawfully  
11 required, or to surrender himself in execution of the judgment, the  
12 court must at once direct an entry of such failure to be made of  
13 record and the undertaking of his bail, or the money deposited instead  
14 of bail, is thereupon forfeited.

1     **SEC. 2. Notice of forfeiture—hearing—judgment.** As a part of the  
2 entry of forfeiture as herein provided, the court shall direct the  
3 sheriff of the county to give ten days' notice in writing or otherwise  
4 as directed by the court to the defendant and his sureties to appear  
5 and show cause, if any, why judgment should not be entered for the  
6 amount of such bail, or money deposited instead of bail. If the de-  
7 fendant and his sureties fail to appear, judgment shall be entered by  
8 the court. If such defendant and his sureties shall appear at the time  
9 fixed and offer objections to the entering of such judgment, the court  
10 shall set the case down for immediate hearing as an ordinary action;  
11 in such hearing the state shall be plaintiff and the defendant and his  
12 sureties defendants. The judgment entered by the court either on  
13 default or upon trial shall have the same force and effect as any other  
14 judgment of such court.

1     **SEC. 3. Forfeitures in inferior courts.** Where forfeiture is entered  
2 before a justice of the peace or a court of limited jurisdiction, or be-  
3 fore an examining magistrate, such court or officer, upon the for-  
4 feiture of the undertaking, shall within ten days file the same, with  
5 a copy of all official entries in relation thereto, in the office of the clerk  
6 of the district court of the county; and thereupon it shall be the duty  
7 of the clerk of the district court to direct the sheriff to give notice  
8 as herein prescribed for appearance before the district court at the  
9 date fixed in such notice, and the district court shall then proceed in  
10 the same manner as though such forfeiture had occurred in such court.



1     **SEC. 4. Avoiding forfeiture and judgment.** Where a forfeiture  
2 and judgment has been entered as herein provided and the amount  
3 of the judgment has been paid to the clerk, he shall hold the same  
4 as funds of his office for a period of sixty days from the date of  
5 judgment. Such judgment shall never be set aside unless within sixty  
6 days from the date thereof, the defendant shall voluntarily surrender  
7 himself to the sheriff of the county or his bondsmen shall, at their  
8 own expense, deliver him to the custody of the sheriff within said time,  
9 whereupon the court may, upon application, set aside the judgment  
10 and in such event the original appearance bond shall stand and the  
11 court may order refund of the amount of the judgment paid in to the  
12 office of the clerk of the court. Such judgment, however, shall not  
13 be set aside unless as a condition precedent thereto the defendant  
14 and his sureties shall have paid all costs incurred in connection there-  
15 with.

1     **SEC. 5. Pending litigation.** The provisions of this act shall in no  
2 manner affect pending litigation.

Approved March 28, A. D. 1923.

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## CHAPTER 220

### GRAND JURORS

H. F. 584

AN ACT to amend section fifty-two hundred forty-six (5246) of the supplement to the code, 1913, (C. C. 9306-7) relating to the drawing of grand jurors.

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

1     **Filling grand jury panel.** That the law as it appears in sec-  
2 tion fifty-two hundred forty-six (5246) supplement to the code, 1913,  
3 (C. C. 9306-7), be amended by adding thereto the following: "If for  
4 any cause the number of grand jurors is reduced below twelve, the  
5 court or judge may order the clerk to immediately draw from the  
6 grand jury list sufficient additional names to fill the panel, and such  
7 new grand jurors so drawn may, if so ordered by the court, serve as  
8 regular grand jurors for the county in which they are drawn for the  
9 remainder of the year."

Approved April 11, A. D., 1923.

## CHAPTER 221

## CRIMINAL LAW

S. F. 419

AN ACT to repeal sections fifty-three hundred forty-two (5342) to fifty-three hundred forty-four (5344), inclusive, of the code (C. C. 9403, 9404, 9405) relating to change of place of trial in criminal cases, and to enact a substitute therefor.

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

That sections fifty-three hundred forty-two (5342) to fifty-three hundred forty-four (5344), inclusive, of the code be and the same are hereby repealed and the following enacted in lieu thereof:

1     **SECTION 1. Change of venue.** In all criminal cases which may be  
2 pending in any of the district courts, any defendant therein, or the  
3 state, in cases where defendant is charged with felony, may petition  
4 the court for a change of place of trial to another county.

1     **SEC. 2. Petition by defendant.** Such petition, when filed by the  
2 defendant, must set forth the nature of the prosecution, the court  
3 where the same is pending, and that such defendant cannot receive  
4 a fair and impartial trial owing to the prejudice of the judge, or to  
5 excitement or prejudice against the defendant in such county, and  
6 be verified on information and belief by the affidavit of the defendant.

1     **SEC. 3. Additional verification.** When the ground alleged in the  
2 petition filed by the defendant is excitement or prejudice against him  
3 in the county, it must be verified by the affidavit of three disinter-  
4 ested persons, residents of the county from which the change is  
5 sought, in addition to the affidavit of the petitioner himself.

1     **SEC. 4. Petition by state.** Such petition, when filed by the state,  
2 shall set forth the nature of the prosecution, the court where the  
3 same is pending, and that the state cannot receive a fair and impartial  
4 trial in said county owing to excitement or prejudice in such county  
5 against the prosecution, and be verified on information and belief by  
6 the affidavit of the county attorney or his assistant.

1     **SEC. 5. Time and place of application.** When a change in place of  
2 trial has been granted to one party to the prosecution, the other party  
3 thereto to whom no change has been granted, may, in the county to  
4 which the case has been sent, petition for a change in the same man-  
5 ner as though said county was the county in which the case was first  
6 pending. In such case if the change be granted, the case shall not be  
7 sent to the county in which it was originally pending.

Approved March 28, A. D. 1923.

## CHAPTER 222

## APPEALS IN CRIMINAL CASES

S. F. 433

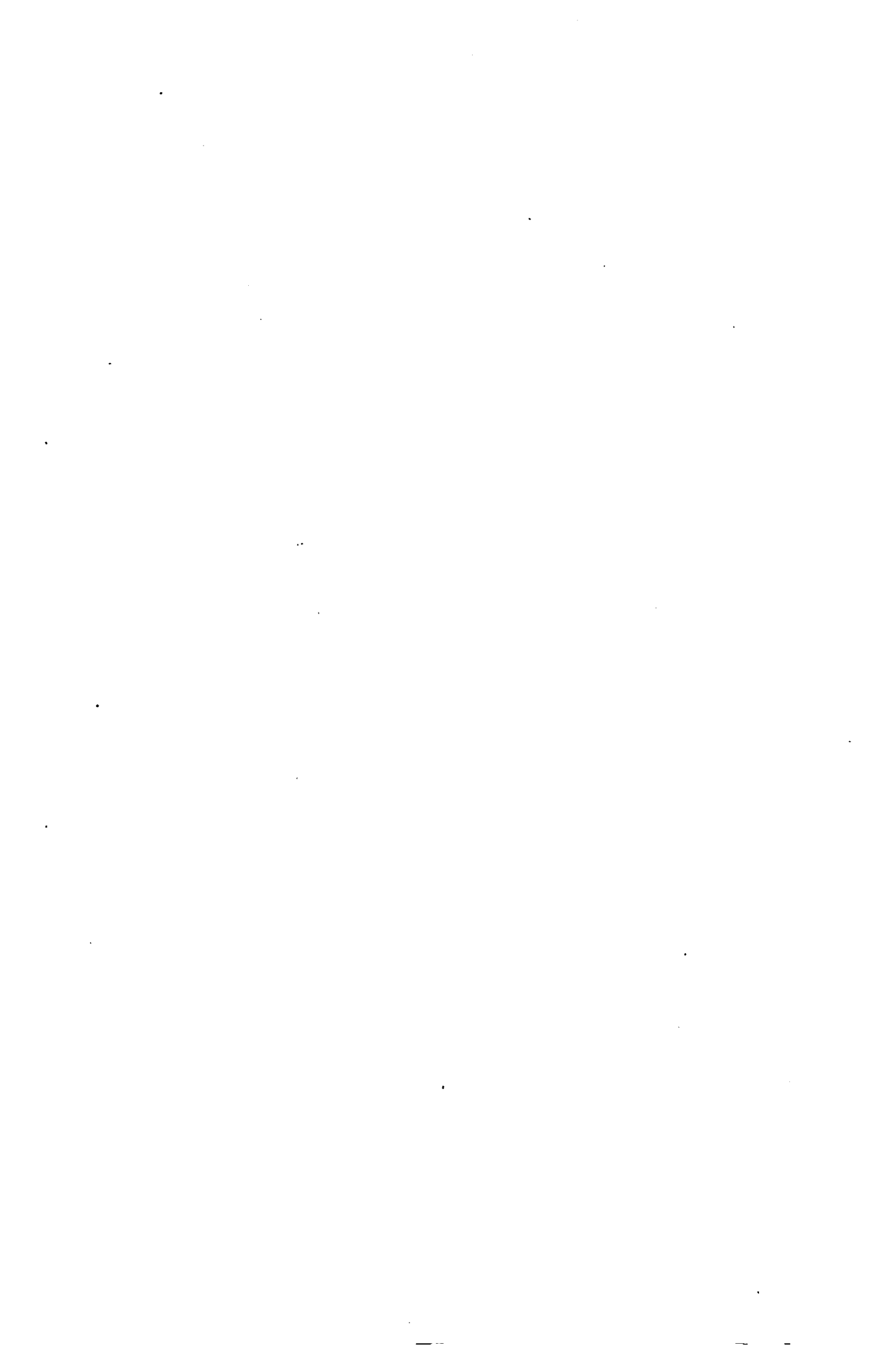
AN ACT to amend section fifty-four hundred forty-eight (5448) of the supplement to the code, 1913 (C. C. Sec. 9559), and section fifty-four hundred fifty-three (5453) of the code, 1897, (C. C. Sec. 9564), relating to the time within which an appeal may be taken to the supreme court in criminal cases.

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

1     **SECTION 1. Appeals taken within sixty days.** That section fifty-  
2 four hundred forty-eight (5448) of the supplement to the code, 1913,  
3 (C. C. Sec. 9559) be and the same is hereby amended by striking from  
4 line four (4) thereof the words "six months" and by substituting in  
5 lieu thereof the words "sixty days". Also that section fifty-four hun-  
6 dred fifty-three (5453) of the code, 1897 (C. C. Sec. 9564) be and the  
7 same is hereby amended by striking from line four (4) thereof the  
8 words "ninety days" and by substituting in lieu thereof the words  
9 "the time provided".

1     **SEC. 2. Pending litigation.** Nothing contained herein shall in any  
2 manner affect pending litigation.

Approved February 24, A. D. 1923.



## CODE REVISION ACTS

### CHAPTER 223

#### STATUTES

##### S. F. 1

AN ACT to amend, revise and codify sections forty-two (42) and forty-three (43) of the compiled code of Iowa, relating to the citation and form of bills for the amendment, revision, codification or repeal, of statutes.

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

That sections forty-two (42) and forty-three (43) of the compiled code of Iowa are amended, revised and codified to read as follows:

1 SECTION 1. Citation of compiled code and supplement. The com-  
2 pilation of the laws of Iowa, prepared under the provisions of chapter  
3 fifty (50) of the acts of the thirty-eighth general assembly, shall be  
4 known and cited as the "Compiled Code". The volume prepared under  
5 the provisions of chapter three hundred thirty-three (333) of the  
6 acts of the thirty-ninth general assembly shall be known and cited  
7 as the "Supplement to the Compiled Code".

[New.]

1 SEC. 2. Citation of permanent code. The permanent code to be  
2 published after the adjournment of the fortieth general assembly shall  
3 be known and cited as "The Code".

[New.]

1 SEC. 3. Citation of prior codes. All prior codes and supplements  
2 shall be cited by the year in which published.

[New.]

1 SEC. 4. Citation of session laws. The session laws of each general  
2 assembly shall be known and cited as ".....General Assembly,  
3 Chapter....., Section....." (inserting the ap-  
4 propriate number).

[New.]

1 SEC. 5. Citation of future supplements. Any supplements to the  
2 code which may hereafter be issued under authority of law, shall be  
3 known and cited as "Code Supplement, ....." (inserting the  
4 year of publication).

[New.]

1 SEC. 6. Forms of bills for acts. Bills designed to amend, revise,  
2 codify or repeal any law which appears in the compiled code, the sup-  
3 plement thereto, "The Code", or any supplement thereto, or any ses-  
4 sion laws, shall refer as follows:

- 5 1. Those relating to sections of any code or supplement, to the  
6 section, by number.
- 7 2. Those relating to any chapter of any code or supplement, to  
8 such chapter and the number of the title in which it appears, by  
9 number.
- 10 3. Those relating to any act of the general assembly not appearing  
11 in any code or supplement, to the general assembly, the number of  
12 the chapter, and section, by number.
- 13 4. All references shall be expressed in words followed by the  
14 numerals in parentheses, and if omitted, the reporter of the supreme  
15 court in preparing acts for publication in the session laws, shall supply  
16 the same.

[C. C. 42, 43, modified.]

- 1 **SEC. 7. Length of sections—sections to be germane.** Where prac-  
2 ticable, sections of bills shall not exceed sixteen (16) lines in length  
3 and shall be germane to the title, chapter or section to which they  
4 relate.

[New.]

- 1 **SEC. 8. Compiled code and supplement.** The compiled code and the  
2 supplement to the compiled code submitted to the general assembly  
3 as a part of the code commissioners' report are adopted as an official  
4 code of Iowa, for convenience of reference in bills relating to the  
5 amendment, revision and codification of the laws; but this section  
6 shall not be construed as changing the meaning of any law.
- 7 A reference to the law of this state by title, chapter or section of  
8 the compiled code or supplement to the compiled code, shall have  
9 the same force and effect as a reference to such law by title, chapter  
10 or section of the code, supplement to the code of 1913, supplemental  
11 supplement of 1915, or the acts of the 37th, 38th and 39th General  
12 Assemblies.

[New.]

- 1 **SEC. 9. Head notes and historical references.** Proper head notes  
2 may be placed at the beginning of a section of a bill, and at the end  
3 of the section there may be placed a reference to the section number  
4 of the compiled code, supplement to the compiled code, "the code" or  
5 any supplement thereto, or any session law from which the matter  
6 of the bill was taken, but neither said head notes nor said historical  
7 references shall be considered as a part of the law as enacted.

- 1 **SEC. 10. Publication clause.** This act, being deemed of immediate  
2 importance shall take effect and be in force from and after its publica-  
3 tion in the Des Moines Register and the Des Moines Capital, news-  
4 papers published in Des Moines, Iowa.

Approved February 2, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
February 5, 1923, and the Des Moines Capital February 7, 1923.

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

## CHAPTER 224

## SESSION LAWS

S. F. 5

AN ACT to amend, revise, and codify sections fifty-six (56), fifty-seven (57), fifty-nine (59), sixty (60), and sixty-one (61) of the compiled code of Iowa, relating to the publication of the acts of the general assembly.

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

That sections fifty-six (56) and fifty-seven (57) of the compiled code of Iowa are amended, revised, and codified to read as follows:

1 SECTION 1. **Publication of session laws.** The reporter of the su-  
2 preme court shall prepare the manuscript copy of all laws, acts, joint  
3 resolutions, and memorials passed at each session of the general assem-  
4 bly, and arrange the same in chapters with comprehensive index.  
5 Each chapter shall show the number of the house or senate file.

[C. C. 56, modified.]

1 SEC. 2. **Original enrolled bills.** In the preparation of said volume,  
2 the reporter shall have the right to the possession of the enrolled bills.

[C. C. 57.]

1 SEC. 3. **Style of printing.** Said laws, acts, resolutions and memo-  
2 rials shall be printed in the same size, style, type, and appearance as  
3 the official edition of the code. Each line of each section of each act  
4 shall be consecutively numbered on the lefthand margin thereof.

[C. C. 56, modified.]

That section fifty-nine (59) of the compiled code of Iowa is amended, revised, and codified to read as follows:

1 SEC. 4. **Certificate.** To each volume shall be attached the certificate  
2 of said reporter, under his facsimile signature, that the acts, laws,  
3 joint resolutions, and memorials therein contained have been prepared  
4 from the enrolled bills in the office of the secretary of state, and are  
5 correct. Said certificate shall be presumptively true.

[C. C. 59, modified.]

That section sixty-one (61) of the compiled code of Iowa is amended, revised, and codified to read as follows:

1 SEC. 5. **Appropriation.** There is hereby appropriated, out of any  
2 funds in the state treasury not otherwise appropriated, for the pur-  
3 pose of providing the necessary clerical assistance in preparing said  
4 volume, the sum of one thousand two hundred dollars (\$1,200.00),  
5 or so much thereof as may be necessary, for each special or regular  
6 session, which amount shall be wholly available for each session im-  
7 mediately upon the legal organization of the general assembly.

[C. C. 61.]

That section sixty (60) of the compiled code of Iowa is amended, revised and codified to read as follows:

- 1 SEC. 6. **Number and price.** Six thousand (6,000) copies of said
- 2 volumes shall be printed and sold at such price as the executive coun-
- 3 cil shall fix, but in no case at less than cost.

[C. C. 60, modified.]

- 1 SEC. 7. **Publication clause.** This act being deemed of immediate
- 2 importance shall be in force and effect from and after its publication
- 3 in the Des Moines Register and the Des Moines Capital, newspapers
- 4 published in Des Moines, Iowa.

Approved April 12, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 13, 1923, and the Des Moines Register April 14, 1923.

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

## CHAPTER 225

### REPORTER OF SUPREME COURT

S. F. 11

AN ACT to amend, revise and codify chapter seven (7) of title two (2) of the compiled code of Iowa, and sections one hundred sixty-nine (169) and one hundred seventy-five (175) of the supplement to said code, relating to the reporter of the supreme court and editor of the code, the preparation, printing, and distribution of the reports of the supreme court, and annotations to the code, and making an appropriation therefor.

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

That chapter seven (7) of title two (2) of the compiled code of Iowa, and sections one hundred sixty-nine (169) and one hundred seventy-five (175) of the supplement to said code are amended, revised, and codified to read as follows:

## CHAPTER .....

### REPORTER OF THE SUPREME COURT AND CODE EDITOR

- 1 SECTION 1. **Appointment.** Within ninety (90) days prior to the
- 2 first secular day in January, nineteen hundred twenty-seven (1927),
- 3 and every four (4) years thereafter the judges of the supreme court
- 4 shall appoint a reporter of the supreme court who shall hold office
- 5 for four (4) years from said secular day and until his successor has
- 6 been appointed, and has qualified. Vacancies shall be filled by said
- 7 judges for the unexpired portion of the term. Chapter twenty-four
- 8 (24) of title four (4) shall not apply to appointments under this
- 9 section.

[C. C. 8478, 8479.]



1     **SEC. 2. Office.** The office of the reporter of the supreme court shall  
2 be at the seat of government. He shall devote his entire time to the  
3 duties of his office.

[C. C. 166.]

1     **SEC. 3. Access to opinions.** He shall, under the direction of the  
2 judges of the supreme court, have such access to the opinions of the  
3 court as will enable him to discharge his duties.

[C. C. 167, modified.]

1     **SEC. 4. Syllabi—index—tables.** He shall promptly prepare syllabi  
2 for all opinions of the supreme court, and an index and proper tables  
3 for each volume of the reports. He shall have no pecuniary interest  
4 in the reports.

[C. C. 168, modified.]

1     **SEC. 5. Publication of reports.** The reports of the supreme court  
2 shall be published under such contract as a majority of the judges  
3 of the supreme court may prescribe, or they may order said reports  
4 to be published by the state under contract entered into by the state  
5 printing board, but in case of publication by the state, volume one  
6 hundred seventy-eight (178) shall be treated as the legal standard  
7 and shall be adhered to unless a modification is agreed to by said  
8 judges or a majority thereof.

[S. C. C. 169, modified.]

1     **SEC. 6. Judges may resume jurisdiction.** If said reports be ordered  
2 published by the state, said judges may, in case the results after trial  
3 are not satisfactory to them, resume, at the termination of any exist-  
4 ing contract, jurisdiction over the publication of said reports.

[New.]

1     **SEC. 7. Purchase by state.** Said judges shall, when said reports  
2 are published under contract entered into by them, certify to the  
3 secretary of state the number of copies of each volume necessary to  
4 make free distribution authorized by law, which number shall not  
5 exceed three hundred fifty (350). The secretary of state shall at  
6 once, on behalf of the state, order said number of the publisher and  
7 make distribution thereof as provided by law. The purchase price  
8 of such volumes shall be paid from any unappropriated funds in the  
9 state treasury.

[S. C. C. 169, modified.]

1     **SEC. 8. Sale by secretary of state.** Said reports, when published  
2 by the state, shall be in the custody of the secretary of state, who shall  
3 sell the same at such price as may be determined by the executive  
4 council.

[S. C. C. 169, modified.]

1     **SEC. 9. Distribution of reports.** The copies received by the secre-  
2 tary of state shall be distributed by him as follows:

- |   |   |          |
|---|---|----------|
| 3 | 1. To library of congress.....                        | 2 copies |
| 4 | 2. To library supreme court United States.....        | 2 copies |
| 5 | 3. To each supreme, district, superior, and municipal |          |

6		judge (not including police judges).....	1 copy
7	4.	To each United States district judge whose dis-	
8		tricts lie within this state.....	1 copy
9	5.	To the clerk of the supreme court.....	1 copy
10	6.	To the attorney general.....	1 copy
11	7.	To the state library.....	75 copies
12	8.	To each county.....	1 copy
13	9.	To each county where district court is held in more	
14		than one place.....	2 copies
15	10.	To supreme court reporter.....	2 copies
16	11.	To law library state university.....	50 copies
17	12.	To library state historical society.....	5 copies
18	13.	To the library Iowa state college of agriculture and	
19		mechanic arts.....	2 copies

[C. C. 170.]

1    **SEC. 10. Exchange.** The volumes delivered to the state library  
2 shall be used for the purpose of effecting exchange with other states,  
3 foreign countries and provinces, for similar reports. All books re-  
4 ceived in such exchange shall become a part of the state library.

[C. C. 170, modified.]

1    **SEC. 11. New edition.** The supreme court may, when the public  
2 interest requires it, order the publication of a new edition of any  
3 volume of its reports of which the copyright is not owned by the  
4 state, and may require compliance therewith within six (6) months  
5 by an order entered of record. Failure to comply with said order  
6 shall work a forfeiture of said copyright to the state.

[C. C. 171.]

1    **SEC. 12. Editor of code—duties.** The reporter of the supreme  
2 court shall be editor of the code whose duties shall be:

- 3    1. To submit such recommendations as he deems proper to each  
4 general assembly for the purpose of amending, revising and codifying  
5 such portions of the law as may be conflicting, redundant, ambiguous,  
6 or which require legislative action to make clear.
- 7    2. To edit and compile the code after each session of the general  
8 assembly so that the same may be printed in an up-to-date manner at  
9 any time ordered by the general assembly.
- 10   3. To edit and prepare for publication a series of annotations of  
11 the statutes of Iowa containing annotations of all such statutes as have  
12 been construed by the supreme court of this state or the federal  
13 courts, and the same shall be printed in separate volumes arranged  
14 in the same manner as the titles, chapters and sections of the code.
- 15   4. To re-edit and keep brought up to date the said annotations so  
16 that the same may be reprinted at any time ordered by the general  
17 assembly.
- 18   5. To issue, from time to time, at the direction of the supreme  
19 court, a digest of the reported cases published in the current reports  
20 of said court.

[C. C. 173; S. C. C. 173-a1, 173-a3, 173-a4, modified.]

Note: The word "statutes" in line 11 is "statues" in enrolled bill.

**SEC. 13. Publication and distribution of annotations and digest.**

1 The annotations and digests provided for in the preceding section  
2 shall be printed and paid for in the same manner as other public  
3 printing, and the executive council shall provide for the sale and dis-  
4 tribution of the same.

[S. C. C. 173-a1, modified.]

1 **SEC. 14. Copies of enrolled bills.** The enrolling clerks of the house  
2 and senate shall prepare a clear and distinct carbon copy of each  
3 enrolled bill or resolution at the time of preparing the original, and  
4 immediately deliver said copy to the reporter of the supreme court.

[C. C. 174.]

1 **SEC. 15. Copyrights.** All supreme court reports, books of annota-  
2 tions, and digests hereafter published shall be copyrighted in the  
3 name of the state of Iowa; but this shall not be construed to prevent  
4 the contractor by whom any volume of the reports of the supreme  
5 court is published, his representatives, or assigns, from continuing  
6 the exclusive publication and sale of such volume so long as he or  
7 they shall, in all respects, comply with the requirements of their  
8 contract.

[C. C. 172; S. C. C. 173-a3, modified.]

1 **SEC. 16. Assistants—appropriation.** The reporter of the supreme  
2 court may by and with the consent of the supreme court, employ the  
3 necessary assistance and clerical help at such compensation as may  
4 be fixed by the supreme court in addition to those otherwise provided  
5 by law, and there is hereby annually appropriated out of any money  
6 in the state treasury not otherwise appropriated the sum of five thou-  
7 sand dollars (\$5,000.00) to be used for the purpose of carrying out  
8 the provisions of this section.

[S. C. C. 173-a2, 175.]

1 **SEC. 17. Present incumbent.** The present incumbent shall hold  
2 office until the expiration of the time for which he was appointed and  
3 until his successor has been appointed and qualified.

Approved April 21, A. D. 1923.

## CHAPTER 226

## CENSUS

H. F. 16

AN ACT to amend, revise and codify chapter fourteen (14) of title two (2) of the compiled code of Iowa, relating to the census.

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

That chapter fourteen (14) of title two (2) of the compiled code of Iowa is amended, revised and codified to read as follows:

1    **SECTION 1. Forms.** The executive council shall cause blank forms  
2 to be prepared and printed for the purpose of taking the census in  
3 the year nineteen hundred twenty-five (1925) and every ten (10)  
4 years thereafter.

[C. C. 283.]

1    **SEC. 2. Population.** The forms relating to population shall com-  
2 prehend, for each person, the name, age, color, sex, conjugal condition,  
3 place of birth, place of birth of parents, whether alien or naturalized,  
4 number of years in the United States and in Iowa, occupation, months  
5 unemployed, literacy, school attendance, and ownership of farms and  
6 homes.

[C. C. 283.]

1    **SEC. 3. Agriculture.** The forms relating to agriculture shall com-  
2 prehend for each farm the name and color of occupant, whether native  
3 born, alien, or naturalized, tenure, acreage of farm, value of farm and  
4 improvements, acreage, quantity, and value of different products for  
5 the year ending December thirty-first next preceding the enumeration,  
6 and number and value of live stock.

[C. C. 283.]

1    **SEC. 4. Form of inquiries.** The council may exercise its discretion  
2 as to the form, number and division of the inquiries necessary to  
3 secure said information.

[C. C. 283.]

1    **SEC. 5. Soldiers and sailors.** The forms relating to residents of  
2 this state who are, or have been, in the military or naval service of  
3 the United States, shall comprehend for each person, his name, com-  
4 pany, regiment, or other branch of such service, and present place of  
5 residence.

[C. C. 283.]

1    **SEC. 6. Delivery of blanks.** Said blanks must be delivered to the  
2 several county auditors and by the latter to the several assessors, on  
3 or before the first Monday in January of the census year.

[C. C. 283.]

1     **SEC. 7. Duty of assessor.** Each assessor shall, in each census year,  
2 take such census, in his district, by making accurate entries on such  
3 blanks of all matters of information thereon required, and shall return  
4 the same to the county auditor on or before June first of the census  
5 year.

[C. C. 284.]

1     **SEC. 8. City supervisor and assistants.** In all cities having a popu-  
2 lation of over fifteen thousand (15,000) the assessor shall, in addition  
3 to other duties, act as supervisor of the census, and may, for each  
4 two thousand (2,000) population as shown by the last preceding fed-  
5 eral census, appoint one (1) enumerator, who shall qualify in the  
6 same manner as assessors and be subject to the same provisions in  
7 so far as they relate to the census. The assessor in such cities may  
8 also appoint not more than three (3) clerks to check the daily work  
9 of the enumerators. The compensation of said enumerators and  
10 clerks shall not exceed three dollars and fifty cents (\$3.50) per day  
11 for each eight (8) hours' actual work. No enumerator shall be em-  
12 ployed for longer than sixty (60) days, and no clerk for longer than  
13 thirty (30) days. Said enumerators and clerks shall be chosen on  
14 competitive civil service examination (the rules, blanks and questions  
15 for which to be prescribed by the executive council), and shall be  
16 removable only for cause.

[C. C. 284.]

1     **SEC. 9. False returns.** Any assessor, enumerator or clerk who  
2 makes any false return shall forfeit the right to all compensation  
3 accrued and be immediately discharged.

[C. C. 284.]

1     **SEC. 10. Refusal to give information.** Any person who shall refuse  
2 to make answers to any question appearing on the blank, and who  
3 persists in such refusal after being informed that the law requires  
4 such answer, shall be arrested on information filed by the assessor  
5 or enumerator.

[C. C. 284.]

1     **SEC. 11. Penalty.** If the one so refusing, on being brought before  
2 the magistrate, answers the required questions, he shall be discharged  
3 on payment of the costs. If the accused be tried and found guilty  
4 he shall be fined not less than five dollars (\$5.00) nor more than one  
5 hundred dollars (\$100.00), and ordered committed to the county jail  
6 until said fine is paid, but not to exceed thirty (30) days. Each such  
7 refusal to answer shall be deemed a separate offense.

[C. C. 284.]

1     **SEC. 12. Failure to perform duty.** The county auditor shall ap-  
2 point some suitable person to take the census, as provided by law, at  
3 as early a date as practicable and at the expense of the county when-  
4 ever any assessor fails to take such census in a satisfactory manner  
5 by June first of the census year.

[C. C. 285.]

1     **SEC. 13. Returns of census.** The county auditor shall forward the  
2 returns of the census to the executive council at the earliest possible  
3 date and not later than July first. Should said census be not made,  
4 or the returns be not received by July fifteenth, the council may, at  
5 the expense of the county, cause such census to be made in the district  
6 where such failure occurs, or cause the returns to be brought up.  
7 Said returns shall be filed and preserved in the office of the secretary  
8 of state.

[C. C. 286.]

1     **SEC. 14. Abstracts of census.** The executive council shall cause  
2 abstracts or compilations of said census to be prepared and recorded  
3 by the secretary of state, and said council may add thereto such other  
4 statistics in reference to the banking, railroads, insurance, manufact-  
5 ures, education and other matters of public interest as it may deem  
6 advisable. Said secretary shall attach to said record a certificate,  
7 dated and signed by him, to the effect that said record constitutes a  
8 true compilation of said census.

[C. C. 287, modified.]

1     **SEC. 15. Assistants.** All assistants employed in the preparation  
2 of said abstracts and compilation shall be selected on their merits,  
3 after competitive examination, and shall be subject to removal at the  
4 pleasure of the council.

[C. C. 288.]

1     **SEC. 16. Publication of census.** Said council shall cause said com-  
2 piled census and certificate to be published in a book to be known as  
3 the "Census of Iowa."

[C. C. 289.]

1     **SEC. 17. Federal and state cooperation.** The executive council is  
2 authorized, so far as practicable, to cooperate with the census bureau  
3 of the United States in the gathering, compilation, and publication of  
4 census statistics.

[C. C. 291.]

1     **SEC. 18. Federal census.** The secretary of state shall, whenever  
2 a general census is taken by the federal government, procure from  
3 the supervisor of such census, or other proper federal official, a copy  
4 of such part of said census as gives the population of the state of  
5 Iowa by counties, by cities, and by towns, and file the same in his  
6 office and attach thereto, dated and signed by him, a certificate that  
7 the same is the census report furnished to him by said federal official.

[C. C. 292, modified.]

1     **SEC. 19. Publication.** He shall at once cause such census report  
2 and certificate to be published once in each of two (2) daily news-  
3 papers of the state and of general circulation, and from and after  
4 the date of such publication said census shall be in full force and  
5 effect throughout the state. On payment of a fee of two dollars  
6 (\$2.00) he shall furnish a certified copy of the whole or any part of  
7 such census report.

[C. C. 292.]

1     **SEC. 20. Publication in official register.** The secretary of state  
2 shall publish said federal census report and certificate aforesaid in  
3 full in each copy of the Iowa official register until a census is taken  
4 by the state.

[C. C. 292.]

1     **SEC. 21. Evidence—population.** Said certified census records in  
2 the office of the secretary of state, and said authorized publications,  
3 including the certificates attached thereto, shall be competent evi-  
4 dence of all matters therein contained. Whenever the population of  
5 any county, city or town is referred to in any law of this state, it shall  
6 be determined by the last certified, or certified and published, official  
7 census, whether the same be a state or national census, unless other-  
8 wise provided. If there be a difference between the original certified  
9 record in the office of the secretary of state, and the published census,  
10 the former shall prevail.

[C. C. 290, 292, modified.]

Approved March 17, A. D. 1923.

## CHAPTER 227

### SOLDIERS' PREFERENCE

H. F. 36

AN ACT to amend, revise and codify chapter twenty-four (24) of title four (4) of the supplement to the compiled code of Iowa, relating to the right of soldiers, sailors, marines, and nurses to preference in appointment to office.

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

That chapter twenty-four (24) of title four (4) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

1     **SECTION 1. Preference in appointments and promotions.** In every  
2 public department and upon all public works, in the state of Iowa,  
3 and of the counties, cities, towns, and school boards thereof, including  
4 those of cities acting under special charters, honorably discharged  
5 soldiers, sailors, marines, and nurses from the army and navy of the  
6 United States in the late civil war, Spanish-American war, Philippine  
7 insurrection, China relief expedition, or war with Germany, who are  
8 citizens and residents of this state, shall, except in the position of  
9 school teachers, be entitled to preference in appointment, employment,  
10 and promotion over other applicants of no greater qualifications.

[S. C. C. 679-a1.]

1     **SEC. 2. Age and physical disability.** The persons thus preferred  
2 shall not be disqualified from holding any position hereinbefore men-  
3 tioned on account of age or by reason of any physical disability, pro-

4 vided such age or disability does not render such person incompetent  
5 to perform properly the duties of the position applied for.

[S. C. C. 679-a1.]

1 **SEC. 3. Duty to investigate and appoint.** When such soldier, sailor,  
2 marine or nurse shall apply for appointment or employment under  
3 this chapter, the officer, board or person whose duty it is or may be  
4 to appoint or employ some person to fill such position or place shall,  
5 before appointing or employing any one to fill such position or place,  
6 make an investigation as to the qualifications of said applicant for  
7 such place or position, and if the applicant is of good moral character  
8 and can perform the duties of said position so applied for, as herein-  
9 before provided, said officer, board or person shall appoint said appli-  
10 cant to such position, place or employment.

[S. C. C. 679-a1.]

1 **SEC. 4. Mandamus.** A refusal to allow said preference, or a reduc-  
2 tion of the salary for said position with intent to bring about the  
3 resignation or discharge of the incumbent, shall entitle the applicant  
4 or incumbent, as the case may be, to maintain an action of mandamus  
5 to right the wrong.

[S. C. C. 679-a1, 679-a2.]

1 **SEC. 5. Removal—certiorari to review.** No person holding a public  
2 position by appointment or employment, and belonging to any of the  
3 classes of persons to whom a preference is herein granted, shall be  
4 removed from such position or employment except for incompetency  
5 or misconduct shown after a hearing, upon due notice, upon stated  
6 charges, and with the right of such employee or appointee to a review  
7 by a writ of certiorari.

[S. C. C. 679-a2.]

1 **SEC. 6. Incompetency or misconduct—burden of proof.** The bur-  
2 den of proving incompetency or misconduct shall rest upon the party  
3 alleging the same. Nothing in this chapter shall be construed to apply  
4 to the position of private secretary or deputy of any official or depart-  
5 ment, or to any person holding a strictly confidential relation to the  
6 appointing officer.

[S. C. C. 679-a2.]

Approved February 15, A. D. 1923.



## CHAPTER 228

## PUBLIC CONTRACTS

S. F. 37

AN ACT to amend, revise, and codify chapter twenty-five (25) of title four (4) and sections seven hundred twenty-three (723) and seven hundred twenty-four (724) of the compiled code of Iowa, relating to the duty of public officers in the matter of public contracts.

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

That chapter twenty-five (25) of title four (4) and sections seven hundred twenty-three (723) and seven hundred twenty-four (724) of the compiled code of Iowa are amended, revised, and codified to read as follows:

1     **SECTION 1. Unauthorized contracts.** Officers empowered to expend,  
2 or direct the expenditure, of public money of the state shall not make  
3 any contract for any purpose which contemplates an expenditure of  
4 such money in excess of that authorized by law.

[C. C. 680, 681, modified.]

1     **SEC. 2. Executive council may authorize indebtedness.** Nothing  
2 herein contained shall prevent the incurring of an indebtedness on  
3 account of support funds for state institutions, upon the prior writ-  
4 ten direction of the executive council, specifying the items and amount  
5 of such indebtedness to be increased, and the necessity therefor.

[C. C. 681.]

1     **SEC. 3. Divulging contents of sealed bids.** No public officer or  
2 deputy thereof, if any, shall directly or indirectly or in any manner  
3 whatsoever, at any other time or in any other manner than as pro-  
4 vided by law, open any sealed bid or convey or divulge to any person  
5 any part of the contents of a sealed bid, on any proposed contract  
6 concerning which a sealed bid is required or permitted by law.

[C. C. 682.]

1     **SEC. 4. Penalty.** A violation of the provisions of the preceding  
2 section shall, in addition to criminal liability, render the violator  
3 liable, personally and on his bond, if any, to liquidated damages in the  
4 sum of one thousand dollars (\$1,000.00) for each violation, to inure  
5 to, and be collected by the state, county, city, town, school district  
6 or other municipal corporation of which the violator is an officer or  
7 deputy.

[C. C. 682.]

Approved February 10, A. D. 1923.

## CHAPTER 229

## NOTARIES PUBLIC

H. F. 38

AN ACT to amend, revise and codify sections six hundred ninety-four (694), six hundred ninety-eight (698), seven hundred (700) and seven hundred three (703) of the compiled code of Iowa, relating to notaries public.

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

That section six hundred ninety-four (694) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SECTION 1. Appointment.** The governor may at any time appoint  
2 one (1) or more notaries public in each county and may at any time  
3 revoke such appointment.

[C. C. 694.]

1     **SEC. 2. When appointments made.** Such appointments, if for a  
2 full term, shall be made on July fourth, nineteen hundred twenty-four  
3 (1924), and on the same day each three (3) years thereafter. All  
4 commissions shall expire on the fourth day of July in the same years.  
5 No commission shall be for a longer period than three (3) years.

[C. C. 694.]

1     **SEC. 3. Notice of expiration of term.** The governor shall, on or  
2 before May first preceding the expiration of each commission, notify  
3 each notary public of such expiration and furnish him with a blank  
4 application for reappointment and a blank bond.

[C. C. 694.]

That section six hundred ninety-eight (698) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 4. Powers within county of appointment.** Each notary is in-  
2 vested, within the county of his appointment, with the powers and  
3 shall perform the duties which pertain to that office by the custom  
4 and law of merchants.

[C. C. 698.]

1     **SEC. 5. Powers within adjoining county.** Such notary public is  
2 also invested with the powers specified in the preceding section in  
3 any county adjoining the county of his appointment, provided he has  
4 filed in such adjoining county, with the clerk of the district court, a  
5 certified copy of his certificate of appointment.

[C. C. 698.]

1     **SEC. 5-a. Powers in certain cases.** Any notary public, who is at  
2 the same time an officer, director or stockholder of a corporation, is  
3 also hereby invested with the power to administer oaths to any officer,  
4 director or stockholder of such corporation in any matter wherein  
5 said corporation is interested, and is hereby authorized to protest for  
6 nonacceptance or nonpayment, bills of exchange, drafts, checks, notes  
7 and other negotiable or nonnegotiable instruments which may be

8 owned or held for collection by such corporation, as fully and effectually as if he were not an officer, director or stockholder of such corporation.  
9  
10

1 **SEC. 6. Improperly acting as notary.** If any notary public exercise the duties of his office after the expiration of his commission, or  
2 when otherwise disqualified, or appends his official signature to documents when the parties have not appeared before him, he shall be  
3 fined not less than fifty dollars (\$50.00), and shall be removed from  
4 office by the governor.  
5  
6

[C. C. 698.]

That section seven hundred (700) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 7. Records in case of death, resignation, or removal.** On the  
2 death, resignation or removal from office of any notary, his records,  
3 with all his official papers, shall, within three (3) months therefrom,  
4 be deposited in the office of the clerk of the district court in the  
5 county for which such notary shall have been appointed.

[C. C. 700.]

1 **SEC. 8. Neglect of notary to deposit records.** If any notary, on  
2 his resignation or removal, neglects for three (3) months so to deposit them, he shall be guilty of a misdemeanor and be liable in an  
3 action to any person injured by such neglect.  
4

[C. C. 700.]

1 **SEC. 9. Neglect of executor to deposit records.** If an executor or  
2 administrator of a deceased notary wilfully neglects, for three (3)  
3 months after his acceptance of that appointment, to deposit the  
4 records and papers of a deceased notary which came into his hands  
5 in said clerk's office, he shall be held guilty of a misdemeanor.

[C. C. 700.]

That section seven hundred three (703) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 10. Notary fees.** Notaries public shall be entitled to the following fees:  
2  
3 1. For all services in connection with the legal protest of a bill or  
4 note, two dollars (\$2.00).  
5 2. For being present at a demand, tender or deposit and noting  
6 the same, seventy-five cents (75c).  
7 3. For administering an oath, ten cents (10c).  
8 4. For certifying to an oath under his official seal, twenty-five  
9 cents (25c).  
10 5. For any other certificate under seal, twenty-five cents (25c).

[C. C. 703.]

Approved March 8, A. D. 1923.

## CHAPTER 230

## BOARDS OF ARBITRATION

H. F. 48

AN ACT to amend, revise and codify sections eight hundred sixty-four (864), eight hundred sixty-five (865), eight hundred sixty-eight (868) and eight hundred seventy-one (871) of the compiled code of Iowa, relating to boards of arbitration.

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

That sections eight hundred sixty-four (864) and eight hundred sixty-five (865) of the compiled code of Iowa are amended, revised and codified to read as follows:

1     **SECTION 1. Petition for appointment.** When any dispute arises  
 2 between any person, firm, corporation or association of employers and  
 3 their employees or association of employees, of this state, except em-  
 4 ployers or employees having trade relations directly or indirectly  
 5 based upon interstate trade relations operating through or by state  
 6 or international boards of conciliation, which has or is likely to cause  
 7 a strike or lockout, involving ten (10) or more wage earners, and  
 8 which does or is likely to interfere with the due and ordinary course  
 9 of business, or which menaces the public peace, or which jeopardizes  
 10 the welfare of the community, and the parties thereto are unable to  
 11 adjust the same, either or both parties to the dispute, or the mayor  
 12 of the city, or the chairman of the board of supervisors of the county  
 13 in which said employment is carried on, or on petition of any twenty-  
 14 five (25) citizens thereof over the age of twenty-one (21) years, or  
 15 the labor commissioner, after investigation, may make written appli-  
 16 cation to the governor for the appointment of a board of arbitration  
 17 and conciliation, to which board such dispute may be referred under  
 18 the provisions of this chapter; and the manager of the business of  
 19 any person, firm, corporation or association of such employers, or any  
 20 organization representing such employees, or if such employees are  
 21 not members of any organization, then a majority of such employees  
 22 affected may make the application as provided in this chapter, but  
 23 in no case shall more than twenty (20) employees be required to join  
 24 in such application.

[C. C. 864.]

1     **SEC. 2. Notification by governor—appointment.** The governor  
 2 shall at once upon application made to him as herein provided, and  
 3 upon his being satisfied that the dispute comes within the provisions  
 4 of the preceding section, notify the parties to the dispute of the  
 5 application for the appointment of a board of arbitration and con-  
 6 ciliation and make request upon each party to the dispute that each  
 7 of them recommend within three (3) days from the date of notice,  
 8 the names of five (5) persons who have no direct interest in such  
 9 dispute and are willing and ready to act as members of the board,  
 10 and the governor shall appoint from each list submitted one (1) of  
 11 such persons recommended. Should either of the parties fail or  
 12 neglect to make any recommendation within the said period, the  
 13 governor shall, as soon thereafter as possible, appoint a fit person

14 who shall be deemed to be appointed on the recommendation of the  
 15 parties in default. The members of the board so appointed shall  
 16 within five (5) days of their appointment recommend to the governor  
 17 the name of one (1) person who is ready and willing to act as a third  
 18 member of the board, and upon failure or neglect upon their part to  
 19 make such recommendation within the said period, or upon the failure  
 20 or refusal of the person so recommended to act, the governor shall  
 21 as soon thereafter as possible appoint some person to act as the third  
 22 member of the board.

[C. C. 865.]

That section eight hundred sixty-eight (868) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 3. Evidence—witnesses.** For the purpose of this inquiry the  
 2 board shall have all the powers of summoning before it and enforcing  
 3 the attendance of witnesses, of administering oaths and of requiring  
 4 witnesses to give evidence, to produce books, papers and other docu-  
 5 ments or things as the board may deem requisite to the full investiga-  
 6 tion of the matters into which it is inquiring, as is vested in the  
 7 district court in civil cases. Any member of the board may adminis-  
 8 ter an oath, and the board may accept, admit and call for such evi-  
 9 dence as in equity and good conscience it thinks material and proper,  
 10 whether strictly legal evidence or not.

[C. C. 868.]

1     **SEC. 4. Subpoenas—by whom served—fees.** A subpoena or any  
 2 notice may be delivered or sent to any sheriff, constable, or any police  
 3 officer who shall forthwith serve the same, and make due return  
 4 thereof, according to directions. Witnesses in attendance and officers  
 5 serving subpoenas or notices shall receive the same fees as are allowed  
 6 in the district court, payable from the state treasury, upon the cer-  
 7 tificate of the board that such fees are due and correct. The board  
 8 shall have the same power and authority to maintain and enforce  
 9 order at the hearings and obedience to its writs of subpoena as is by  
 10 law conferred upon the district court for like purposes.

[C. C. 868.]

That section eight hundred seventy-one (871) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 5. Report to governor.** Within five (5) days after the com-  
 2 pletion of the investigation, unless the time is extended by the gov-  
 3 ernor for good cause shown, the board or a majority thereof shall  
 4 render a decision, stating such details as will clearly show the nature  
 5 of the controversy and the point disposed of by them, and make a  
 6 written report to the governor of their findings of fact and of their  
 7 recommendation to each party to the controversy.

[C. C. 871.]

1     **SEC. 6. Decision filed with governor—evidence preserved.** Every  
 2 decision and report shall be filed in the office of the governor, and a  
 3 copy served upon each party to the controversy, and a copy furnished  
 4 to the labor commissioner for publication in the report of the com-  
 5 missioner, who shall cause such decision and report to be published

6 at a rate of not to exceed thirty-three and one-third cents (33-1/3c)  
 7 per ten (10) lines of brevier type or its equivalent, in two (2) news-  
 8 papers of general circulation in the county in which the business is  
 9 located upon which the dispute arose. All evidence taken and exhibits  
 10 and documents offered shall be carefully preserved and at the close of  
 11 the investigation shall be filed in the office of the governor of the  
 12 state and shall only be subject to inspection upon his order.

[C. C. 871.]

Approved February 5, A. D. 1923.

## CHAPTER 231

### FENCES

H. F. 56

AN ACT to amend, revise and codify section eleven hundred ninety-nine (1199) of the compiled code of Iowa, relating to fences.

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

That section eleven hundred ninety-nine (1199) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. Lawful fence defined. A lawful fence shall consist of:  
 2 1. Three (3) rails of good substantial material fastened in or to  
 3 good substantial posts not more than ten (10) feet apart.  
 4 2. Three (3) boards not less than six (6) inches wide and three-  
 5 quarters (¾) of an inch thick, fastened in or to good substantial  
 6 posts, not more than eight (8) feet apart.  
 7 3. Three (3) wires, barbed with not less than thirty-six (36) iron  
 8 barbs of two (2) points each, or twenty-six (26) iron barbs of four  
 9 (4) points each, on each rod of wire, or of four (4) wires, two (2)  
 10 thus barbed and two (2) smooth, the wires to be firmly fastened to  
 11 posts not more than two (2) rods apart, with not less than two (2)  
 12 stays between posts or with posts not more than one (1) rod apart  
 13 without such stays, the top wire to be not more than fifty-four (54)  
 14 nor less than forty-eight (48) inches in height.  
 15 4. Wire either wholly or in part, substantially built and kept in  
 16 good repair, the lowest or bottom rail, wire or board not more than  
 17 twenty (20) nor less than sixteen (16) inches from the ground, the  
 18 top rail, wire or board, to be between forty-eight (48) and fifty-four  
 19 (54) inches in height and the middle rail, wire or board not less than  
 20 twelve (12) nor more than eighteen (18) inches above the bottom  
 21 rail, wire or board.  
 22 5. Any other kind of fence, which, in the opinion of the fence  
 23 viewers, shall be equivalent thereto.

[C. C. 1199.]

1 SEC. 2. Sheep and swine tight fences. All partition fences may  
 2 be made tight by the party desiring it, and when his portion is so

3 completed, and securely fastened to good substantial posts, set firmly  
4 in the ground, not more than twenty (20) feet apart, the adjoining  
5 property owner shall construct his portion of the adjoining fence, in  
6 a lawful tight manner, same to be securely fastened to good substan-  
7 tial posts, set firmly in the ground not more than twenty (20) feet  
8 apart.

[C. C. 1199.]

1 **SEC. 3. Tight partition fences—defined.** All tight partition fences  
2 shall consist of:

3 1. Not less than twenty-six (26) inches of substantial woven wire  
4 on the bottom, with three (3) strands of barbed wire with not less  
5 than thirty-six (36) barbs of at least two (2) points to the rod, on  
6 top, the top wire to be not less than forty-eight (48) inches, nor more  
7 than fifty-four (54) inches high.

8 2. Good substantial woven wire not less than forty-eight (48)  
9 inches nor more than fifty-four (54) inches high with one barbed wire  
10 of not less than thirty-six barbs of two points to the rod, not more  
11 than four inches above said woven wire.

12 3. Any other kind of a tight partition fence which in the opinion  
13 of the fence viewers is equivalent thereto.

[C. C. 1199.]

1 **SEC. 4. Each owner to keep sheep and swine fence tight.** In case  
2 adjoining owners or occupants of land shall use the same for pastur-  
3 ing sheep or swine, each shall keep his share of the partition fence  
4 in such condition as shall restrain such sheep or swine.

[C. C. 1199.]

1 **SEC. 5. Fence viewers to settle controversies.** Upon the applica-  
2 tion of either owner, after notice is given as prescribed in this chapter,  
3 the fence viewers shall determine all controversies arising under the  
4 four (4) preceding sections, including the partition fences made sheep  
5 and swine tight.

[C. C. 1199.]

Approved March 15, A. D. 1923.

## CHAPTER 232

## SHORTHAND REPORTERS

S. F. 59

AN ACT to amend, revise and codify chapter twenty-one (21) of title five (5) of the compiled code of Iowa, relating to certified shorthand reporters.

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

That chapter twenty-one (21) of title five (5) of the compiled code of Iowa is amended, revised and codified to read as follows:

## CHAPTER 21

## CERTIFIED SHORTHAND REPORTERS

1     **SECTION 1. Board of examiners—who eligible.** The board of ex-  
2     aminers for court reporters herein provided for shall consist of three  
3     (3) members, two (2) of whom shall be official shorthand reporters  
4     of the district court of Iowa and one (1) of whom shall be a practicing  
5     attorney of the state of Iowa.

[C. C. 1231.]

1     **SEC. 2. Chief justice to appoint—rules.** The said board of exami-  
2     ners shall be appointed by the chief justice of the supreme court of  
3     Iowa for a term of three (3) years, and the said board of examiners  
4     shall, subject to the approval of the chief justice of the supreme court  
5     of Iowa, make such rules and regulations as may be necessary for  
6     the proper performance of its duties.

[C. C. 1231.]

1     **SEC. 3. Examination dates—compensation of examiners.** The  
2     board of examiners shall fix stated times for the examination of the  
3     candidates and shall receive for their services only their necessary  
4     traveling expenses, such expenses to be paid from such funds as may  
5     accrue hereunder.

[C. C. 1232.]

1     **SEC. 4. Who eligible.** No person shall be appointed to the position  
2     of shorthand reporter of any district, superior or municipal court in  
3     this state, unless he be a certified shorthand reporter who has been  
4     found competent to report court proceedings, references, or proceed-  
5     ings of like character, by the board of examiners provided for in this  
6     chapter.

[C. C. 1229.]

1     **SEC. 5. Temporary substitutes appointed.** If the regularly ap-  
2     pointed shorthand reporter should be disabled from performing his  
3     duty, the judge of such court may appoint a substitute whom he deems  
4     competent to act during the disability of the regular reporter, or  
5     until his successor is appointed.

[C. C. 1229.]



1    **SEC. 6. Unlawful use of title.** Any citizen of the state of Iowa  
 2 who shall have received from the board of examiners a certificate of  
 3 his qualifications as a shorthand reporter, as herein provided, shall  
 4 be styled and known as a certified shorthand reporter, and no other  
 5 person shall assume such title or use the abbreviation C. S. R., or  
 6 any words, letters or figures to indicate that the person using the  
 7 same is a certified shorthand reporter.

[C. C. 1230.]

1    **SEC. 7. Examination fee—fund to pay examiners.** Each applicant  
 2 for examination shall pay to the clerk of the supreme court as an  
 3 examination fee the sum of five dollars (\$5.00), payable before the  
 4 examination is commenced. The fees thus paid to said clerk shall be  
 5 by him paid into the state treasury upon receipt thereof, to be kept  
 6 as a special fund to be used as provided for in this chapter.

[C. C. 1232.]

1    **SEC. 8. Revocation of certificates.** The board of examiners may  
 2 revoke any such certificate for sufficient cause, after written notice  
 3 to the holder thereof and hearing thereon. Any member of the board  
 4 of examiners may, upon being duly designated by said board or a  
 5 majority thereof, administer oaths or take testimony concerning any  
 6 matter within the jurisdiction of said board.

[C. C. 1233.]

1    **SEC. 9. Violations punished.** Any violation of the provisions of  
 2 this chapter shall be punished by a fine not exceeding one hundred  
 3 dollars (\$100.00).

[C. C. 1234.]

Approved March 28, A. D. 1923.

## CHAPTER 233

### PUBLIC ACCOUNTANTS

H. F. 60

AN ACT to amend, revise and codify chapter twenty-two (22) of title five (5) of the compiled code of Iowa, relating to certified public accountants.

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

That chapter twenty-two (22) of title five (5) of the compiled code of Iowa is amended, revised and codified to read as follows:

## CHAPTER 22

### CERTIFIED PUBLIC ACCOUNTANTS

1    **SECTION 1. Appointment—tenure of office.** The governor shall  
 2 appoint three (3) persons as a board of accountancy. Each member

3 of such board shall be a certified public accountant and his term of  
4 office shall be for three (3) years.

[C. C. 1236.]

1 **SEC. 2. Vacancies.** Any vacancies that may occur from any cause,  
2 shall be filled by the governor for the unexpired term under the same  
3 conditions that govern regular appointments.

[C. C. 1236.]

1 **SEC. 3. Organization.** The board shall meet and organize by the  
2 selection of one (1) of its members as chairman, and one (1) as secre-  
3 tary, and shall meet at least twice each year and oftener, if deemed  
4 necessary, at such times and places within the state as it may select,  
5 and a majority shall constitute a quorum. Such meetings shall at  
6 all reasonable times be open to the public.

[C. C. 1237.]

1 **SEC. 4. Rules.** The board at its first meeting shall formulate rules  
2 and regulations for its guidance, not inconsistent with the provisions  
3 of this chapter, which may be changed or altered at any regular  
4 meeting by a majority vote.

[C. C. 1237.]

1 **SEC. 5. Use of abbreviations.** Any citizen of the United States  
2 residing in this state, or having a place for the regular transaction of  
3 business in the state, as a practicing public accountant, and being  
4 over the age of twenty-five (25) years, of good moral character, and  
5 who shall have received from the board of accountancy of the state,  
6 a certificate as provided in this chapter shall be styled and known as  
7 a certified public accountant, and be entitled to use the abbreviations  
8 C. P. A. in connection with his name. No other person, no firm all  
9 the members of which are not certified accountants as provided in  
10 this chapter, and no corporation shall use such title or any abbrevia-  
11 tion, letters, or figures to indicate that such person, firm, or corpora-  
12 tion is a certified public accountant.

[C. C. 1235.]

1 **SEC. 6. Examinations—notice.** The board shall at its regular meet-  
2 ings establish the time and place for holding examinations under the  
3 provisions of this chapter, and shall cause to be published a notice  
4 thereof, for not less than three (3) consecutive days in two (2) daily  
5 newspapers published in this state, not less than twenty (20) days  
6 prior to the date of such examination, and notice of the same shall  
7 be mailed to all holders of certificates under this chapter, as well as  
8 applicants, not less than fifteen (15) days prior to such examination.

[C. C. 1238.]

1 **SEC. 7. Qualifications.** Each applicant for a certificate before tak-  
2 ing the examination must produce evidence satisfactory to the board  
3 that he is over twenty-five (25) years of age, of good moral character,  
4 a graduate of a high school with a four (4) years' course, or has an  
5 equivalent education, or pass a preliminary examination to be set by  
6 the board, and that he has had at least three (3) years' practical  
7 accounting experience, at least one (1) year of which shall have been

8 as an accountant in the employ of a public accountant of recognized  
9 standing in the profession, or in public practice on his own account.  
[C. C. 1238, modified.]

1 **SEC. 8. Examination.** The examination shall consist of a written  
2 examination covering questions on the following subjects: Theory  
3 of accounts, practical accounting, auditing and commercial law as  
4 pertaining to accountancy.  
[C. C. 1238.]

1 **SEC. 9. Fees.** The fees for such examination shall be twenty-five  
2 dollars (\$25.00), for each applicant, payable to the board at the time  
3 of filing application and at least ten (10) days prior to the examina-  
4 tion.  
[C. C. 1238.]

1 **SEC. 10. Certificate.** After the examination provided by this chapter,  
2 the board shall, if in its judgment the applicants are entitled thereto,  
3 issue certificates as provided in this chapter. The board shall main-  
4 tain a register of the names and addresses of all persons receiving  
5 certificates under this chapter, and shall keep a record of all persons  
6 whose certificates have been revoked.  
[C. C. 1238.]

1 **SEC. 11. Foreign certificate—fee.** The board of accountancy shall  
2 register the certificate of any person, whether resident or nonresident  
3 of this state, who is the lawful holder of an unrevoked certified public  
4 accountant's certificate issued under the laws of another state, pro-  
5 vided that the requirements of said degree in the state which has  
6 granted it to the applicant are equivalent to those herein provided,  
7 and that of holders of a degree of certified public accountant or char-  
8 tered accountant or the equivalent thereof, issued by any foreign gov-  
9 ernment, provided that the requirements of such degree are equivalent  
10 to those herein provided for the degree of certified public accountant.  
11 Such applicant shall, before the registration of such certificate, pay  
12 to the board of accountancy the sum of twenty-five dollars (\$25.00)  
13 and shall be likewise subject to all the provisions of the law applicable  
14 to certified public accountants including the payment of annual dues.  
[C. C. 1239.]

1 **SEC. 12. Bond.** Every person having been granted a certificate  
2 under the provisions of this chapter shall give a bond in the sum of  
3 five thousand dollars (\$5,000.00) to the auditor of state before enter-  
4 ing upon the discharge of his duties for the faithful performance of  
5 the same.  
[C. C. 1244.]

1 **SEC. 13. Revocation of registration.** The board of accountancy  
2 may revoke or cancel the registration of any certificate issued under  
3 this chapter for unprofessional conduct of the holder or other suffi-  
4 cient cause, provided, that written notice shall have been mailed to  
5 the holder of such certificate at least twenty (20) days before any  
6 hearing thereon, stating the cause of such contemplated action, and  
7 appointing a day for full hearing thereon by the board. No certificate

8 issued under this chapter shall be revoked until such hearing shall  
9 have been held or the opportunity for such hearing afforded the per-  
10 son charged.

[C. C. 1240.]

1 **SEC. 14. Compensation.** No compensation shall be paid any mem-  
2 ber of the board of accountancy for his services. All bills for ex-  
3 penses shall be audited and allowed by the state board of audit and  
4 shall be paid from the fees received. But in no event shall the state  
5 be chargeable with any expense incurred under the provisions of this  
6 act.

1 **SEC. 15. Deposit with state treasurer.** Any sum remaining after  
2 the payment of expenses shall be paid into the state treasury on  
3 or before the first day of January in each year. The treasurer of  
4 the board shall, on assuming his office, file with the secretary of state,  
5 a bond in the penal sum of one thousand dollars (\$1,000.00).

1 **SEC. 16. Report.** The board shall make a report biennially to the  
2 governor of its proceedings with an account of all moneys received  
3 and disbursed; a list of names of all persons whose certificates have  
4 been revoked, together with recommendations, if any, for new legis-  
5 lation and such other matters as the board may deem proper.

1 **SEC. 17. Annual dues.** All holders of certificates and those whose  
2 certificates have been registered as provided in this act, shall pay  
3 to the treasurer of the board for disposition as provided herein, the  
4 sum of five dollars (\$5.00) on the first day of January in each year.  
5 Failure to pay such annual dues shall operate to suspend the cer-  
6 tificate of registration and all rights thereunder of the person failing  
7 so to pay during the period of delinquency.

1 **SEC. 18. Practice without certificate.** If any person, firm, or cor-  
2 poration shall hold himself or itself out to the public as having re-  
3 ceived a certificate as provided in this chapter, or shall assume to  
4 practice as certified public accountant or chartered accountant, or use  
5 the abbreviation thereof or any other letters, words or figures to  
6 indicate that the person using the same is such certified public ac-  
7 countant, without having received such certificate, or after the same  
8 shall have been revoked, he or it shall be fined not less than one hun-  
9 dred dollars (\$100.00) nor more than five hundred dollars (\$500.00)  
10 for each offense or be imprisoned in the county jail for a period not  
11 exceeding six (6) months.

[C. C. 1242.]

1 **SEC. 19. Negligence and wilful falsification.** If any person en-  
2 gaged in the practice of public accountancy as a certified public ac-  
3 countant or otherwise, shall be found guilty of gross negligence or  
4 carelessness or shall wilfully falsify any report or statement bearing  
5 on any examination, investigation, or audit made by him or under  
6 his direction, he shall be punished by a fine of not less than one hun-  
7 dred dollars (\$100.00), nor more than one thousand dollars  
8 (\$1,000.00), or by imprisonment in the county jail for a period of not

9 less than three (3) months nor more than one (1) year, or both fine  
10 and imprisonment for each time he may be convicted of such offense.

[C. C. 1243.]

Approved April 20, A. D. 1923.

## CHAPTER 234

### HORTICULTURE

S. F. 67

AN ACT to amend, revise and codify sections sixteen hundred ninety-five (1695), seventeen hundred (1700), seventeen hundred one (1701), seventeen hundred five (1705), seventeen hundred eleven (1711) of the compiled code of Iowa, and sections sixteen hundred ninety-three (1693), sixteen hundred ninety-four (1694), sixteen hundred ninety-eight-a-2 (1698-a-2) and sixteen hundred ninety-eight-a-3 (1698-a-3) of the supplement to said code, relating to the horticultural society, the horticultural exposition, and fruit tree and forest reservations.

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

That section sixteen hundred ninety-five (1695) of the compiled code of Iowa, and sections sixteen hundred ninety-three (1693), sixteen hundred ninety-four (1694), sixteen hundred ninety-eight-a two (1698-a2), and sixteen hundred ninety-eight-a three (1698-a3) of the supplement to said code are amended, revised and codified to read as follows:

1 SECTION 1. **Annual report.** The secretary shall, at the time pro-  
2 vided by law, make an annual report to the governor, containing the  
3 proceedings of the society, and the affairs of the exposition, with an  
4 itemized account showing all the expenditures during the year, and  
5 the purpose for which the same were made, the general condition of  
6 horticultural, honey bee and forestry interests throughout the state,  
7 together with such statements and recommendations as he may think  
8 useful.

[S. C. C. 1693, 1698-a2, modified.]

1 SEC. 2. **General appropriation.** There is appropriated annually,  
2 out of any unappropriated funds in the state treasury the following  
3 sum: Thirty-seven hundred and fifty dollars (\$3,750.00) for the use  
4 and benefit of said society, which shall be paid on the warrant of the  
5 auditor of state, upon the order of the president of said society, in  
6 such sums and at such times as may be for the interests of said so-  
7 ciety.

[C. C. 1695]

1 SEC. 3. **Special appropriation.** There is appropriated, biennially,  
2 out of any unappropriated funds in the state treasury the following  
3 sum: Fourteen thousand dollars (\$14,000.00) for the purpose of hold-  
4 ing the horticultural exposition and all expenses connected therewith.  
5 Warrants therefor shall be issued from time to time by the auditor  
6 of state, on the order of the president and secretary of said society,

7 but no such warrant shall be issued until said president and secretary  
8 shall certify to the auditor of state that the same is actually neces-  
9 sary for disbursement.

[S. C. C. 1698-a3]

That section seventeen hundred (1700) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 4. Forest and fruit-tree reservations.** On any tract of land  
2 in the state of Iowa, the owner or owners may select a permanent  
3 forest reservation or reservations, each not less than two acres in  
4 continuous area, or a fruit-tree reservation or reservations, not less  
5 than one nor more than ten acres in total area, or both, and upon  
6 compliance with the provisions of this chapter, such owner or owners  
7 shall be entitled to the benefits provided by law.

[C. C. 1700, modified.]

That section seventeen hundred one (1701) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 5. Requirements as to forest reservations.** A forest reserva-  
2 tion shall contain not less than two hundred (200) growing forest  
3 trees on each acre. If the area selected is a forest containing the  
4 required number of growing forest trees, it shall be accepted as a  
5 forest reservation under the provisions of this chapter. If the area  
6 selected is a forest containing less than two hundred (200) forest  
7 trees to the acre, or if it is a grove, the owner or owners thereof  
8 shall have planted, cultivated and otherwise properly cared for the  
9 number of forest trees necessary to bring the total number of growing  
10 trees to not less than two hundred (200) on each acre, during a period  
11 of not less than two (2) years before it can be accepted as a forest  
12 reservation within the meaning of this chapter. No ground upon  
13 which any farm buildings stand shall be recognized as part of any  
14 such reservation.

[C. C. 1701, modified.]

That section seventeen hundred five (1705) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 6. Requirements as to fruit-tree reservations.** A fruit-tree  
2 reservation shall contain on each acre, at least forty (40) apple trees,  
3 or seventy (70) other fruit trees, growing under proper care and  
4 annually pruned and sprayed. Such reservation may be claimed as  
5 such, under this chapter, for a period of eight (8) years after plant-  
6 ing.

[C. C. 1705.]

That section seventeen hundred eleven (1711) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 7. Duty of county auditor.** It shall be the duty of the county  
2 auditor in every county to keep a record of all forest and fruit-tree  
3 reservations within his county; and to make report of the same to

4 the secretary of the Iowa state horticultural society on or before  
5 June fifteenth of each year.

[C. C. 1711, modified.]

Approved April 12, A. D. 1923.

## CHAPTER 235

### LIEN FOR SERVICES OF ANIMALS

H. F. 70

AN ACT to amend, revise, and codify section eighteen hundred sixteen-a four (1816-a4) of the supplement to the compiled code of Iowa, relating to the lien for services of stallions and jacks.

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

That section eighteen hundred sixteen-a four (1816-a4) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

## CHAPTER .....

### LIEN FOR SERVICES OF ANIMALS

1 SECTION 1. **Affidavit of foreclosure.** Liens may be enforced by the  
2 holder filing with any constable of the county in which the progeny  
3 is kept, or with the sheriff of such county, an affidavit which shall,  
4 in addition to a demand for foreclosure, contain:

- 5 1. A description of the stallion or jack, and of the dam and its  
6 progeny.
- 7 2. The time and terms of said service.
- 8 3. A statement of the amount due for said service.

[S. C. C. 1816-a4.]

1 SEC. 2. **Possession and notice.** The constable or sheriff shall,  
2 under said affidavit, take immediate possession of said progeny, and  
3 give written notice of the sale thereof, which notice shall contain:

- 4 1. A copy of the said affidavit, and
- 5 2. The date and hour when, and the particular place at which  
6 said property will be sold.

[S. C. C. 1816-a4.]

1 SEC. 3. **Service.** Said notice shall be served as follows:

- 2 1. By posting a duplicate copy for ten (10) days prior to the day  
3 of sale in three (3) public places in the township in which the sale  
4 is to take place, and
- 5 2. If the owner of the progeny resides in the said county, by also  
6 serving a duplicate copy on the owner in the manner in which original  
7 notices are served, at least ten (10) days prior to the day of sale.

[S. C. C. 1816-a4.]

1     **SEC. 4. Joinder of liens.** A foreclosure may embrace liens on more  
 2 than one (1) progeny of the same stallion or jack when all of said  
 3 progenies are owned by the same person. In such case there shall  
 4 be separate sales until an amount is realized sufficient to pay all liens  
 5 and costs.

[New.]

Approved February 24, A. D. 1923.

## CHAPTER 236

### WITNESSES

S. F. 73

AN ACT to amend, revise and codify sections twenty-eight (28), fifty-three hundred seventy-five (5375), sixty-two hundred thirty-eight (6238), and seventy-three hundred nineteen (7319) of the compiled code of Iowa, relating to the attendance of witnesses, and the compulsory giving of testimony and production of evidence.

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

That sections fifty-three hundred seventy-five (5375), sixty-two hundred thirty-eight (6238), and seventy-three hundred nineteen (7319) of the compiled code of Iowa are amended, revised and codified to read as follows:

1     **SECTION 1. Criminating questions.** When the matter sought to be  
 2 elicited would tend to render a witness criminally liable, or to expose  
 3 him to public ignominy, he is not compelled to answer, except as  
 4 otherwise provided.

[C. C. 7319.]

1     **SEC. 2. Exceptions.** In the following cases no witness shall be ex-  
 2 cused from giving testimony, or from producing any evidence, upon  
 3 the ground that his testimony or such evidence would tend to render  
 4 him criminally liable or expose him to public ignominy:

5     1. In prosecutions against gaming, betting, lotteries, and dealing  
 6 in options.

7     2. In prosecutions for creating, entering into or becoming a mem-  
 8 ber of, or a party to, any pool, trust, agreement, contract, combination,  
 9 confederation or understanding with any other corporation, partner-  
 10 ship, association or individual to regulate or fix the price of any article  
 11 of merchandise or commodity, or to fix or limit the amount or quan-  
 12 tity of any article, commodity or merchandise to be manufactured,  
 13 mined, produced or sold in this state.

14     3. In prosecutions for keeping gambling houses.

15     4. In prosecutions or proceedings for violations of the statutes  
 16 relating to intoxicating liquors, including proceedings wherein a peace  
 17 officer is examined as to his knowledge of violations of such statutes.

[C. C. 934, 999, 7319, modified.]



18 5. In prosecutions for the violation of the statutes relating to  
19 elections.

[C. C. 541, modified.]

20 6. In prosecutions for making, soliciting or receiving contributions  
21 for political purposes by or to any political committee, party or candi-  
22 date or representative thereof.

[C. C. 5375.]

23 7. In actions wherein an election is contested and the matter sought  
24 to be elicited relates to the qualification of the witness as a voter, or  
25 consists of a statement by the witness as to the candidate for whom  
26 the witness voted when the witness was not a qualified voter.

[C. C. 591.]

27 8. In actions for damages for violation of the laws regulating com-  
28 mon carriers.

[C. C. 5186.]

29 9. In prosecutions for violations of the statutes relating to the free  
30 transportation of persons by common carriers of passengers.

[C. C. 5222.]

31 10. In investigations by the board of railroad commissioners into  
32 the manner and method pursued by common carriers, subject to their  
33 jurisdiction, in conducting their business.

[C. C. 5188.]

34 11. In examinations or investigations conducted by any committee  
35 of the general assembly.

[C. C. 28, 1853.]

36 12. In prosecutions against public officers for unlawfully opening,  
37 or divulging the contents of, sealed bids.

[C. C. 683.]

38 13. In proceedings auxiliary to executions.

[C. C. 7759.]

39 14. In examinations by the board of control of state institutions,  
40 or by a committee thereof, of the affairs of any institution under the  
41 control of said board.

[C. C. 1903.]

42 15. In any action or investigation in relation to any public work  
43 or public contract.

[C. C. 6238, modified.]

1 **SEC. 3. Immunity from prosecution.** No person compelled under  
2 the preceding section to testify or produce evidence tending to incrim-  
3 inate him or to expose him to public ignominy shall be prosecuted for  
4 any crime which such testimony or evidence tends to prove or to

5 which the same relates. This section shall not exempt any person  
6 from prosecution for perjury.

[C. C. 934, 1853, 1903, 7319, modified.]

That section twenty-eight (28) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 4. Witnesses—attendance compulsory.** Whenever a commit-  
2     tee of either house, or a joint committee of both, is charged with an  
3     investigation requiring the personal attendance of witnesses, any per-  
4     son may be compelled to appear before such committee as a witness,  
5     by serving an order upon him, which service shall be made in the  
6     manner required in case of a subpoena in a civil action in the district  
7     court, such order stating the time and place he is required to appear,  
8     signed by the presiding officer of the house appointing the committee,  
9     and attested by its acting secretary or clerk; or, in case of a joint  
10    committee, signed and attested by such officers of either house.

[C. C. 28, modified.]

Approved February 16, A. D. 1923.

## CHAPTER 237

### HOMESTEAD

S. F. 79

AN ACT to amend, revise and codify chapter four (4) of title twenty-three (23) of the compiled code of Iowa, relating to homestead.

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

That chapter four (4) of title twenty-three (23) of the compiled code of Iowa is amended, revised and codified to read as follows:

## CHAPTER 4

### HOMESTEAD

1     **SECTION 1. Homestead defined.** The homestead must embrace the  
2     house used as a home by the owner, and, if he has two (2) or more  
3     houses thus used, he may select which he will retain. It may contain  
4     one (1) or more contiguous lots or tracts of land, with the building  
5     and other appurtenances thereon, habitually and in good faith used  
6     as part of the same homestead.

[C. C. 6419.]

1     **SEC. 2. Extent—dwelling—appurtenances—value.** If within a city  
2     or town plat, it must not exceed one-half ( $\frac{1}{2}$ ) acre in extent, other-  
3     wise it must not contain in the aggregate more than forty (40) acres,  
4     but if, in either case, its value is less than five hundred dollars  
5     (\$500.00), it may be enlarged until it reaches that amount. It must  
6     not embrace more than one (1) dwelling house, or any other buildings

7 except such as are properly appurtenant thereto, but a shop or other  
8 building situated thereon, actually used and occupied by the owner  
9 in the prosecution of his ordinary business, and not exceeding three  
10 hundred dollars (\$300.00) in value, is appurtenant thereto.

[C. C. 6420.]

1 **SEC. 3. Selecting—platting.** The owner, husband or wife, may  
2 select the homestead and cause it to be platted, but a failure to do  
3 so shall not render the same liable when it otherwise would not be,  
4 and a selection by the owner shall control. When selected, it shall  
5 be marked off by permanent, visible monuments, and the description  
6 thereof shall give the direction and distance of the starting point from  
7 some corner of the dwelling, which description, with the plat, shall  
8 be filed and recorded by the recorder of the proper county in the  
9 homestead book, which shall be, as nearly as may be, in the form  
10 of the record books for deeds, with an index kept in the same manner.

[C. C. 6421.]

1 **SEC. 4. Platted by office having execution.** Should the homestead  
2 not be platted and recorded at the time levy is made upon real property  
3 in which a homestead is included the officer having the execution shall  
4 give notice in writing to said owner, and the husband or wife of such  
5 owner, if found within the county to plat and record the same within  
6 ten (10) days after service thereof; after which time said officer shall  
7 cause said homestead to be platted and recorded as above, and the  
8 expense thereof shall be added to the costs in the case.

[C. C. 6421.]

1 **SEC. 5. Boundaries fixed by court.** Upon application made to the  
2 district court by any creditor of the owner of the homestead, or other  
3 person interested therein, such court shall hear the cause upon the  
4 proof offered, and fix and establish the boundaries thereof, and the  
5 judgment therein shall be filed and recorded in the manner provided  
6 in the preceding section.

[C. C. 6422.]

1 **SEC. 6. Changes.** The owner may, from time to time, change the  
2 limits of the homestead by changing the metes and bounds, as well  
3 as the record of the plat and description, or vacate it, but such  
4 changes shall not prejudice conveyances or liens made or created  
5 previously thereto, and no such change of the entire homestead, made  
6 without the concurrence of the husband or wife, shall affect his or  
7 her rights, or those of the children.

[C. C. 6423.]

1 **SEC. 7. Referees to determine exemption.** When a disagreement  
2 takes place between the owner and any person adversely interested,  
3 as to whether any land or buildings are properly a part of the home-  
4 stead, the sheriff shall, at the request of either party, summon nine  
5 (9) disinterested persons having the qualifications of jurors. The  
6 parties then, commencing with the owner, shall in turn strike off one  
7 (1) person each, until three (3) remain. Should either party fail  
8 to do so, the sheriff may act for him, and the three (3) as referees  
9 shall proceed to examine and ascertain all the facts of the case, and

10 report the same, with their opinion thereon, to the next term of  
11 court from which the execution or other process may have issued.

[C. C. 6424.]

1     **SEC. 8. Referring back—marking off—costs.** The court in its dis-  
2 cretion may refer the whole or any part of the matter back to the  
3 same or other referees, to be selected in the same manner, or as the  
4 parties agree, giving them directions as to the report required of  
5 them. When the court is sufficiently advised in the case, it shall make  
6 its decision, and may direct the homestead to be marked off anew, or a  
7 new plat and description to be made and recorded, and take such other  
8 steps as shall be lawful and expedient in attaining the purpose of  
9 this chapter. It shall also award costs in accordance with the practice  
10 in other cases, as nearly as may be.

[C. C. 6425.]

1     **SEC. 9. Change of circumstances.** The extent or appurtenances of  
2 the homestead thus established may be called in question in like man-  
3 ner, whenever a change in value or circumstances will justify such  
4 new proceedings.

[C. C. 6426.]

1     **SEC. 10. Occupancy by surviving spouse.** Upon the death of either  
2 husband or wife, the survivor may continue to possess and occupy the  
3 whole homestead until it is otherwise disposed of according to law,  
4 but the setting off of the distributive share of the husband or wife  
5 in the real estate of the deceased shall be such a disposal of the home-  
6 stead as is herein contemplated.

[C. C. 6427.]

1     **SEC. 11. Survivor may take homestead—descends to issue.** The  
2 survivor may elect to retain the homestead for life in lieu of such  
3 share in the real estate of the deceased; but if there be no survivor,  
4 the homestead descends to the issue of either husband or wife accord-  
5 ing to the rules of descent, unless otherwise directed by will.

[C. C. 6427.]

1     **SEC. 12. Conveyance or incumbrance of homestead.** No conveyance  
2 or incumbrance of or contract to convey or incumber the homestead,  
3 if the owner is married, is valid, unless the husband and wife join in  
4 the execution of the same joint instrument, whether the homestead  
5 is exclusively the subject of the contract or not, but such contracts  
6 may be enforced as to real estate other than the homestead at the  
7 option of the purchaser or incumbrancer.

[C. C. 6416.]

1     **SEC. 13. Devise of homestead.** Subject to the rights of the sur-  
2 viving husband or wife, the homestead may be devised like other real  
3 estate of the testator.

[C. C. 6429.]

1     **SEC. 14. Removal of spouse or children from homestead.** Neither  
2 husband nor wife can remove the other nor the children from the  
3 homestead without the consent of the other.

[C. C. 6430.]

1    **SEC. 15. Homestead exempt to family and divorced spouse.** The  
2 homestead of every family, whether owned by the husband or wife,  
3 is exempt from judicial sale, where there is no special declaration of  
4 statute to the contrary, and such right shall continue in favor of the  
5 party to whom it is adjudged by divorce decree during continued per-  
6 sonal occupancy by such party.

[C. C. 6414, 6415.]

1    **SEC. 16. Family defined.** A widow or widower, though without  
2 children, shall be deemed a family within the meaning of this chapter,  
3 while continuing to occupy the real estate used as a homestead at the  
4 death of the husband or wife.

[C. C. 6415.]

1    **SEC. 17. Exemption in hands of issue.** Where the homestead de-  
2 scends to the issue of either husband or wife the same shall be held  
3 by such issue exempt from any antecedent debts of their parents or  
4 their own, except those of the owner thereof contracted prior to its  
5 acquisition.

[C. C. 6427.]

1    **SEC. 18. New homestead exempt.** Where there has been a change  
2 in the limits of the homestead, or a new homestead has been acquired  
3 with the proceeds of the old, the new homestead, to the extent in value  
4 of the old, is exempt from execution in all cases where the old or  
5 former one would have been.

[C. C. 6423, modified.]

1    **SEC. 19. For what debts homestead liable.** The homestead may  
2 be sold to satisfy debts of each of the following classes:  
3    1. Those contracted prior to its acquisition, but then only to satisfy  
4 a deficiency remaining after exhausting the other property of the  
5 debtor, liable to execution.  
6    2. Those created by written contract by persons having the power  
7 to convey, expressly stipulating that it shall be liable, but then only  
8 for a deficiency remaining after exhausting all other property pledged  
9 by the same contract for the payment of the debt.  
10    3. Those incurred for work done or material furnished exclusively  
11 for the improvement of the homestead.  
12    4. If there is no survivor or issue, for the payment of any debts  
13 to which it might at that time be subjected if it had never been held  
14 as a homestead.

[C. C. 6417, 6418, 6428.]

Approved March 9, A. D. 1923.

## CHAPTER 238

## LANDLORD AND TENANT

H. F. 80

AN ACT to amend, revise and codify chapter five (5) of title twenty-three (23) of the compiled code of Iowa, relating to landlord and tenant.

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

That chapter five (5) of title twenty-three (23) of the compiled code of Iowa is amended, revised and codified to read as follows:

## CHAPTER 5

## LANDLORD AND TENANT

1 SECTION 1. Apportionment of rent. The executor of a tenant for  
2 life who leases real estate so held and dies on or before the day on  
3 which the rent is payable, and a person entitled to rent dependent on  
4 the life of another may recover the proportion of rent which had  
5 accrued at the time of the death of such life tenant.

[C. C. 6431.]

1 SEC. 2. Tenant holding over. A tenant giving notice of his inten-  
2 tion to quit leased premises at a time named, and holding over after  
3 such time, and a tenant or his assignee wilfully holding over after  
4 the term, and after notice to quit, shall pay double the rental value  
5 thereof during the time he holds over to the person entitled thereto.

[C. C. 6432.]

1 SEC. 3. Attornment to stranger. The payment of rent, or delivery  
2 of possession of leased premises, to one not the lessor, is void, and  
3 shall not affect the rights of such lessor, unless made with his con-  
4 sent, or in pursuance of a judgment or decree of court or judicial sale  
5 to which the lessor was a party.

[C. C. 6433.]

1 SEC. 4. Tenant at will—notice to quit. Any person in the posses-  
2 sion of real estate, with the assent of the owner, is presumed to be a  
3 tenant at will until the contrary is shown, and thirty (30) days' notice  
4 in writing must be given by either party before he can terminate  
5 such a tenancy; but when in any case, a rent is reserved payable at  
6 intervals of less than thirty (30) days, the length of notice need not  
7 be greater than such interval.

[C. C. 6434.]

1 SEC. 5. Time for termination of farm tenancies. In case of tenants  
2 occupying and cultivating farms, the notice must fix the termination  
3 of the tenancy to take place on the first day of March, except in cases  
4 of mere croppers, whose leases shall be held to expire when the crop  
5 is harvested; if the crop is corn, it shall not be later than the first  
6 day of December, unless otherwise agreed upon.

[C. C. 6434.]

1    **SEC. 6. Agreement for termination—effect.** Where an agreement  
2 is made fixing the time of the termination of the tenancy, whether  
3 in writing or not, it shall cease at the time agreed upon, without  
4 notice.

[C. C. 6434.]

1    **SEC. 7. Notice—how served.** When a tenant can not be found in  
2 the county, the notice above required may be given to any subtenant  
3 or other person in possession of the premises, or, if the premises be  
4 vacant, by affixing the notice to any outside door of the dwelling house  
5 thereon, or other building, if there be no dwelling house, or in some  
6 conspicuous position on the premises, if there be no building.

[C. C. 6434.]

Approved February 10, A. D. 1923.

## CHAPTER 239

### PERPETUITIES, GIFTS AND BEQUESTS

S. F. 81

AN ACT to amend, revise and codify sections sixty-four hundred fifty-two (6452), sixty-four hundred fifty-three (6453) and sixty-four hundred fifty-four (6454) of the compiled code of Iowa, relating to perpetuities, gifts and bequests.

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

That sections sixty-four hundred fifty-two (6452), sixty-four hundred fifty-three (6453) and sixty-four hundred fifty-four (6454) of the compiled code of Iowa are amended, revised and codified to read as follows:

1    **SECTION 1. State as trustee.** A gift, devise or bequest of property,  
2 real or personal, may be made to the state, to be held in trust for and  
3 applied to any specified purpose within the scope of its authority, but  
4 the same shall not become effectual to pass the title in such property  
5 unless accepted by the executive council in behalf of the state.

[C. C. 6452.]

1    **SEC. 2. Acceptance.** If gifts are made to the state in accordance  
2 with the preceding section, for the benefit of an institution thereof,  
3 the property, if accepted, shall be held and managed in the same way  
4 as other property of the state, acquired for or devoted to the use of  
5 such institution; and any conditions attached to such gift shall be-  
6 come binding upon the state, upon the acceptance thereof.

[C. C. 6453.]

1    **SEC. 3. Acceptance of gifts, devises, or bequests authorized.** Gifts,  
2 devises or bequests of property, real or personal, made to any state  
3 institution for purposes not inconsistent with the objects of such  
4 institution, may be accepted by its governing board, and such board

5 may exercise such powers with reference to the management, sale,  
6 disposition, investment or control of property so given, devised or  
7 bequeathed, as may be deemed essential to its preservation and the  
8 purposes for which the gift, devise or bequest was made.

[C. C. 6454.]

1 **SEC. 4. Municipal corporations as trustees.** Counties, cities, towns,  
2 and civil townships wholly outside of any city or town, and school  
3 corporations, are authorized to take and hold property, real and per-  
4 sonal, by gift and bequest; and to administer the same through the  
5 proper officer in pursuance of the terms of the gift or bequest. No  
6 title shall pass unless accepted by the governing board of the cor-  
7 poration or township. Conditions attached to such gifts or bequests  
8 become binding upon the corporation or township upon acceptance  
9 thereof.

[C. C. 6452, 6453; S. C. C. 6501.]

1 **SEC. 5. Trustees—when appointed by court.** When made for the  
2 establishing of institutions of learning or benevolence, and no provi-  
3 sion is made in the gift or bequest for the execution of the trust, the  
4 judge of the district court having charge of the probate proceedings  
5 in the county shall appoint three (3) trustees, residents of said  
6 county, who shall have charge and control of the same, and who shall  
7 continue to act until removed by the court. They shall give bond  
8 as required in case of executors, and be subject to the orders of said  
9 court.

[S. C. C. 6501.]

1 **SEC. 6. Tax voted to maintain—when no endowment.** When any  
2 county, city, or town shall receive by gift or devise, property, real  
3 or personal, for the purpose of establishing any institution of benevo-  
4 lence including hospitals, and no sufficient fund or endowment is  
5 provided for its maintenance, or is received upon condition that the  
6 donee or devisee provide for aiding the maintenance of such institu-  
7 tion by a tax levy upon the assessed property of such municipality,  
8 it shall be the duty of the governing board of such municipality to  
9 submit by resolution to the qualified electors thereof at a regular  
10 or special election the question whether there shall be levied upon  
11 the assessed property of such municipality an annual tax not exceed-  
12 ing three (3) mills on the dollar for the purpose of aiding the main-  
13 tenance of such institution. The said proposition shall be submitted  
14 in the manner provided for similar propositions in the title on elections.

[S. C. C. 6501.]

1 **SEC. 7. Board to determine amount of levy.** If a majority of the  
2 votes cast at such election on the proposition so submitted shall be in  
3 favor of the proposition, the governing board of such municipality  
4 shall determine the amount to be levied for such purpose, not exceed-  
5 ing three (3) mills on the dollar, and the amount so fixed shall be  
6 levied upon the assessed property of such municipality and collected  
7 in the same manner as other taxes of such municipality are levied  
8 and collected.

[S. C. C. 6501.]



1     **SEC. 8. Disbursements of tax.** When collected by the county treas-  
2 urer said tax shall be paid over to the treasurer of the institution  
3 authorized to receive the same and shall be paid out on the order of  
4 the trustees of such institution who are authorized to manage and  
5 control the same, for the purposes for which it was authorized.

[S. C. C. 6501.]

1     **SEC. 9. Tax discontinued.** The governing board of such municipal-  
2 ity may discontinue such levy of tax in the event the institution to  
3 be aided thereby is destroyed by the elements and no fund is pro-  
4 vided or available for its rebuilding; or after five (5) years of con-  
5 tinuance of such tax aid the governing board may, and upon the  
6 petition of twenty-five per cent (25%) of the qualified electors of such  
7 municipality as shown by the poll books of the last preceding general  
8 election, shall, by resolution, re-submit to the qualified electors of  
9 such municipality, at a regular or special election, in the same manner  
10 hereinbefore specified, the question whether tax aid for such institu-  
11 tion shall be discontinued, and if sixty-five per cent (65%) of the  
12 votes cast at such election on the proposition so submitted be in favor  
13 of discontinuing tax aid, no further levy of tax shall be made for such  
14 purpose.

[S. C. C. 6501.]

1     **SEC. 10. Gift conditional upon payment of annuity—agreement—**  
2 **tax.** When a gift or bequest is conditioned upon the payment of an  
3 annuity to the donor, or any other person, the governing board of  
4 such municipality may, upon acceptance of such gift or bequest, agree  
5 to pay such annuity providing the amount thereof does not exceed  
6 five per cent (5%) of the amount of the gift or bequest and does not  
7 exceed the amount realized from a three (3) mill tax levy upon the  
8 taxable property of said municipality; and to provide for the payment  
9 of such annuity, said municipality, through its proper officers, shall  
10 annually thereafter levy a tax, not exceeding three (3) mills, sufficient  
11 to pay such annuity. No agreement shall be made unless the annuity  
12 provided for therein, and all annuities provided for under prior agree-  
13 ments, may be paid from the proceeds of one (1) annual tax levy  
14 of three (3) mills.

[S. C. C. 6501.]

Approved February 7, A. D. 1923.

## CHAPTER 240

## SHERIFF'S DEED

S. F. 83

AN ACT to amend, revise and codify sections sixty-five hundred sixty-one (6561) and sixty-three hundred ninety-nine (6399) of the compiled code of Iowa, relating to legalizing deeds and other instruments.

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

That sections sixty-five hundred sixty-one (6561) and sixty-three hundred ninety-nine (6399) of the compiled code of Iowa are amended, revised and codified to read as follows:

1     **SECTION 1. Sheriff's deed executed by deputy legalized.** All con-  
2     veyances of land in this state, executed in this state by a deputy  
3     sheriff, and properly recorded in the office of the county recorder of  
4     the county wherein the land is located, prior to January first, nineteen  
5     hundred (1900), shall have the same force and effect as though such  
6     conveyance had been executed by the sheriff.

[C. C. 6561.]

1     **SEC. 2. Sheriffs' deeds prior to nineteen hundred legalized.** No fore-  
2     closure proceeding or sale of real estate on execution prior to January  
3     first, nineteen hundred (1900), wherein a sheriff's deed was executed  
4     and which purports to sustain the record title shall be held ineffectual  
5     on account of the failure of the record to show that any of the steps  
6     in obtaining said judgment or in the sale of said property were com-  
7     plied with. Such proceedings are hereby legalized and made valid  
8     as if the record showed that all the provisions of the law had been  
9     complied with.

[C. C. 6399.]

Approved February 7, A. D. 1923.

## CHAPTER 241

## SCHOOL FOR THE BLIND

S. F. 95

AN ACT to amend, revise and codify sections two thousand four hundred thirty-eight (2438) and two thousand four hundred thirty-nine (2439) of the compiled code of Iowa, relating to the school for the blind.

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

That sections two thousand four hundred thirty-eight (2438) and two thousand four hundred thirty-nine (2439) of the compiled code of Iowa are amended, revised and codified to read as follows:

1     **SECTION 1. Admission.** All blind persons and persons whose vision  
2     is so defective that they cannot be properly instructed in the common

3 schools, who are residents of the state and of suitable age and capacity,  
 4 shall be entitled to an education in the school for the blind at the  
 5 expense of the state. Nonresidents also may be admitted to the  
 6 school for the blind if their presence would not be prejudicial to the  
 7 interests of residents, upon such terms as may be fixed by the state  
 8 board of education.

[C. C. 2438, modified.]

1 **SEC. 2. Expenses—residence of indigents.** The provisions of sec-  
 2 tions two thousand four hundred forty-five (2445) and two thousand  
 3 four hundred forty-six (2446) of the compiled code of Iowa are hereby  
 4 made applicable to the school for the blind.

[C. C. 2439, modified.]

Approved April 12, A. D. 1923.

## CHAPTER 242

### SCHOOL FOR THE DEAF

S. F. 96

AN ACT to amend, revise and codify sections two thousand four hundred forty-one (2441) to two thousand four hundred forty-three (2443), inclusive, of the compiled code of Iowa, relating to the school for the deaf.

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

That sections two thousand four hundred forty-one (2441) to two thousand four hundred forty-three (2443), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

1 **SECTION 1. Superintendent—labor of pupils.** The superintendent  
 2 of the school for the deaf shall be a trained and experienced educator  
 3 of the deaf. His salary may include residence in the institution and  
 4 board from the funds or supplies thereof, but no such allowance shall  
 5 be made except by express contract in advance. The board may  
 6 utilize the labor of any pupil of the institution on the farm, in the  
 7 workshops, in erection of buildings for the institution, or in domestic  
 8 service, so far as practicable, without interference with their proper  
 9 education.

[C. C. 2441, 2442, modified.]

1 **SEC. 2. Admission.** Every resident of the state of Iowa who is  
 2 not less than five (5) nor more than twenty-one (21) years of age,  
 3 who is deaf and dumb, or so deaf as to be unable to acquire an edu-  
 4 cation in the common schools, and every such person who is over  
 5 twenty-one (21) and under thirty-five (35) years of age who has the  
 6 consent of the state board of education, shall be entitled to receive an  
 7 education in the institution at the expense of the state and nonresi-  
 8 dents similarly situated may be entitled to an education therein upon

9 such terms as may be fixed by the state board of education. The fee  
10 for nonresidents shall be not less than the average expense of resident  
11 pupils and shall be paid in advance.

[C. C. 2443, modified.]

Approved March 9, A. D. 1923.

## CHAPTER 243

### SCHOOLS AND SCHOOL DISTRICTS

S. F. 103

AN ACT to amend, revise and codify section two thousand five hundred ninety-one (2591) of the compiled code of Iowa, relating to education.

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

That section two thousand five hundred ninety-one (2591) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. **Hearing.** The county superintendent shall, within five  
2 (5) days after the filing of such affidavit in his office, notify the secre-  
3 tary of the proper school corporation in writing of the taking of such  
4 appeal; who shall, within ten (10) days after being thus notified, file  
5 in the office of the county superintendent a complete, certified tran-  
6 script of the record and proceedings relating to the decision appealed  
7 from. Thereupon, the county superintendent shall notify in writing  
8 all persons adversely interested of the time when and place where the  
9 matter of appeal will be heard by him.

[C. C. 2591.]

1 SEC. 2. **Hearing—shorthand reporter—decision.** At the time fixed  
2 for the hearing, he shall hear testimony for either party, and may  
3 cause the same to be taken down and transcribed by a shorthand  
4 reporter, whose fees shall be fixed by the county superintendent and  
5 be taxed as a part of the costs in the case, and he shall make such  
6 decision as may be just and equitable, which shall be final unless  
7 appealed from as hereinafter provided.

[C. C. 2591, modified.]

Approved February 7, A. D. 1923.

## CHAPTER 244

## SCHOOLS AND SCHOOL DISTRICTS

H. F. 106

AN ACT to amend, revise and codify sections two thousand six hundred eleven (2611), two thousand six hundred twelve (2612) and two thousand six hundred fifteen (2615) of the compiled code of Iowa, relating to education.

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

That sections two thousand six hundred eleven (2611) and two thousand six hundred twelve (2612) of the compiled code of Iowa are amended, revised and codified to read as follows:

1     **SECTION 1. Standard schools—maintenance—requirements.** Any  
2 school located in a district, other than a city independent or consoli-  
3 dated district, not maintaining a high school, which has complied with  
4 the provisions of this chapter, shall be known as a standard school.  
5 Every standard school, before it may be designated as such, shall have  
6 been maintained for eight (8) school months during the previous  
7 year. It shall have a suitable schoolhouse, grounds and outbuildings  
8 in proper condition and repair; be equipped with needful apparatus,  
9 textbooks, supplies; an adequate system of heating and ventilation;  
10 have done efficient work and have complied with such requirements  
11 as shall be specified by the superintendent of public instruction, dur-  
12 ing the previous school year.

[C. C. 2611, modified.]

1     **SEC. 2. Minimum requirements.** The superintendent of public in-  
2 struction shall prescribe for standard schools the minimum require-  
3 ments of teaching, general equipment, heating, ventilation, lighting,  
4 seating, water supply, library, care of grounds, fire protection, and  
5 such other requirements as he may deem necessary.

[C. C. 2612.]

That section two thousand six hundred fifteen (2615) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 3. Teacher's certificate and contract—number of pupils.** No  
2 school shall be deemed a standard school unless the teacher is the  
3 holder of a first-class county certificate or its equivalent, has con-  
4 tracted for the entire school year, and unless such school shall have  
5 maintained an average daily attendance of at least ten (10) pupils,  
6 during the previous school year.

[C. C. 2615.]

Approved February 24, A. D. 1923.

## CHAPTER 245

## SCHOOL FUNDS

S. F. 113

AN ACT to amend, revise and codify sections two thousand seven hundred sixteen (2716) and two thousand seven hundred twenty-five (2725) of the compiled code of Iowa, relating to education.

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

That section two thousand seven hundred sixteen (2716) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SECTION 1. Default in interest.** In all cases where money is due to  
2 the school fund either for loans or deferred payments of the purchase  
3 price of land sold, the interest shall be made payable on the first day  
4 of January each year, and if the debtor fails to pay the interest within  
5 six (6) months thereafter, the entire amount of both principal and  
6 interest shall become due, and the county auditor shall make a report  
7 thereof to the county attorney, who shall immediately commence  
8 action for the collection of the amount reported to him as due, and  
9 this section is hereby declared to be a part of any contract made by  
10 virtue of this chapter, whether expressed therein or not.

[C. C. 2716.]

That section two thousand seven hundred twenty-five (2725) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 2. Sheriff's deed for land sold—resale.** When lands have been  
2 bid in by the county for the state under foreclosure of school fund  
3 mortgages and the time for redemption has expired, a sheriff's deed  
4 shall be issued to the state for the use and benefit of the permanent  
5 school fund. The county auditor shall thereupon notify the auditor  
6 of state, who shall give the county credit for the amount of principal  
7 in the original notes remaining unpaid. All lands acquired by the  
8 state under foreclosure proceedings shall be resold within two (2)  
9 years from date of foreclosure. Such lands shall be appraised, adver-  
10 tised, and sold in the manner provided for the appraisement, adver-  
11 tisement, and sale of the sixteenth section or lands selected in lieu  
12 thereof.

[C. C. 2725.]

1     **SEC. 3. Disposition proceeds resale.** When a resale is made, the  
2 county auditor shall notify the auditor of state, who shall thereupon  
3 charge the county with the full amount of the resale, except that  
4 when the lands are sold for more than the unpaid portion of the  
5 principal, the excess shall be applied to reimburse the county for  
6 the costs of foreclosure and the interest paid by the county to the  
7 state by reason of default of payment of same by the makers of the  
8 notes, previous to the time when the right of redemption has expired,  
9 not to exceed three (3) years.

[C. C. 2725.]

1     **SEC. 4. Excess to state—loss borne by county.** Any excess over  
2 the amount of the unpaid portion of the principal, costs of foreclosure,  
3 and interest on the principal as above provided, shall inure to the  
4 state and be credited to the permanent school fund account. If the  
5 lands shall be sold for a less amount than the unpaid portion of the  
6 principal, the loss shall be sustained by the county, and the board  
7 of supervisors shall at once order the amount of such loss transferred  
8 from the general fund of the county to the permanent school fund  
9 account.

[C. C. 2725.]

1     **SEC. 5. Auditor's report—interest charged to counties.** County  
2 auditors shall, on or before the first day of January of each year,  
3 report to the auditor of state the amount of all sales and resales  
4 made during the year previous, of the sixteenth section, five hundred  
5 thousand acre grant, escheat estates, and lands taken under fore-  
6 closure of school fund mortgages, and the auditor of state shall  
7 charge the same to the counties with interest from the date of such  
8 sale or resale to January first, at the rate of four and one-half per  
9 cent ( $4\frac{1}{2}\%$ ) per annum.

[C. C. 2725.]

1     **SEC. 6. Interest on school funds charged to counties.** The auditor  
2 of state shall, also, on the first day of January, charge to each county  
3 having permanent school funds under its control, interest thereon at  
4 the rate of four and one-half per cent ( $4\frac{1}{2}\%$ ) per annum for the  
5 preceding year, or such part thereof as such funds shall have been  
6 in the control of the county, which shall be taken as the whole amount  
7 of interest due from such county. All interest collected above the  
8 four and one-half per cent ( $4\frac{1}{2}\%$ ) charged by the state shall be  
9 transferred to the general county fund.

[C. C. 2725.]

1     **SEC. 7. Uncollected interest paid by county—penalty.** If any  
2 county fails or refuses to collect the amount of interest due the state,  
3 the deficiency shall be paid to the state from the general county fund.  
4 Any county delinquent in the payment of interest due the state shall  
5 be charged one per cent (1%) per month on the amount delinquent  
6 until paid.

[C. C. 2725.]

1     **SEC. 8. Auditor to report rents on school lands.** County auditors  
2 shall, upon the first day of January of each year, report to the auditor  
3 of state the amount of rents collected during the preceding year on  
4 unsold school lands and lands taken under foreclosure of school fund  
5 mortgages then in the hands of the county treasurer, and the auditor  
6 of state shall include the amount so reported in his semiannual appor-  
7 tionment of interest.

[C. C. 2725.]

Approved March 9, A. D. 1923.

## CHAPTER 246

## STATE ROAD DISTRICTS AND POLL TAXES

H. F. 120

AN ACT to amend, revise, and codify chapter four (4) of title eleven (11) of the compiled code of Iowa and of the supplement to said code, and sections three thousand-a one (3000-a1) and four thousand thirty-six-a one (4036-a1) of the supplement to the compiled code of Iowa, relating to state road districts and the improvement and maintenance thereof, and to poll taxes in cities, towns, and townships.

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

That chapter four (4) of title eleven (11) of the compiled code of Iowa and of the supplement to said code is amended, revised, and codified to read as follows:

1     **SECTION 1. State road districts.** Highways on lands of the state  
2 and highways on which such lands abut, shall constitute a separate  
3 road district for each state institution, or state park, in connection  
4 with which such lands are used, and shall be under the jurisdiction  
5 of the board in control thereof.

[C. C. 2861, modified.]

1     **SEC. 2. Supervisor.** The chief engineer of the state highway com-  
2 mission shall be ex officio general supervisor of said several road dis-  
3 tricts, and be under the direction of the board in control thereof, and  
4 shall have general charge of the maintenance and improvement of  
5 said roads, and perform such other duties and make such reports in  
6 reference thereto as may be required by said board. Said board may  
7 appoint a local supervisor for each district.

[C. C. 2861, modified.]

1     **SEC. 3. Maintenance and improvement.** The roads within any such  
2 district, except county bridges, shall be maintained, repaired and im-  
3 proved under the direction of the board which is in control of said  
4 lands, provided said board shall not pave or hard surface such roads  
5 unless authorized so to do by the executive council. The costs shall  
6 be paid only after certificate of detailed amount due shall have been  
7 filed by the said board with the state board of audit, and duly audited  
8 as provided by law. This section shall not be construed as preventing  
9 the paving or hard surfacing of any such roads under any other pro-  
10 ceeding authorized by law.

[C. C. 2861, modified.]

1     **SEC. 4. Improvement by city or county.** When a city, town, special  
2 charter city, or county shall drain, oil, pave, or hard surface a road  
3 which extends through or abuts upon lands owned by the state, the  
4 state, through the executive council, shall pay such portion of the  
5 cost of making said improvement through or along such lands as  
6 would be legally assessable against said lands were said lands privately  
7 owned, which amount shall be determined by said council, or board.

1     **SEC. 5. Appropriation.** There is hereby appropriated from any  
2 unappropriated funds now or hereafter in the state treasury an amount



3 sufficient to pay the obligations created by this chapter. Said costs  
 4 shall be paid only on itemized vouchers which shall carry a certificate  
 5 from the chief engineer of the state highway commission that said  
 6 improvement has been completed according to contract.

[S. C. C. 2864-a2, modified.]

That section three thousand-a one (3000-a1), supplement to the compiled code is amended, revised, and codified to read as follows:

1 **SEC. 6. Persons subject to poll tax—amount—use.** All able-bodied  
 2 male citizens, including the male officers and employees of any state  
 3 institution, if any, but not including any committed inmate of such  
 4 institution, between the ages of twenty-one and forty-five who are  
 5 residents of the township outside the corporate limits of cities and  
 6 towns shall between the first day of April and the first day of Sep-  
 7 tember of each year pay to the road superintendent a sum not to  
 8 exceed five dollars, said sum to be fixed by the township trustees at  
 9 the April meeting. Provided that the township trustees of each town-  
 10 ship may at the regular April meeting provide whether or not each  
 11 person may at his option perform two days' labor in lieu of payment  
 12 of money as provided in this chapter. All money received by the  
 13 road superintendent under provisions of this chapter shall be im-  
 14 mediately paid to the township clerk for the benefit of the general  
 15 township road fund. The tax and money so collected shall be expended  
 16 upon the township road system under the supervision of the road  
 17 superintendent.

[S. C. C. 3000-a1, modified.]

That section four thousand thirty-six-a one (4036-a1) supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

1 **SEC. 7. Road poll tax—power to exact.** Any city or town shall  
 2 have the power to provide that all able-bodied male residents of the  
 3 corporation, including the male officers and employees of any state  
 4 institution situated within such city or town, but not including any  
 5 committed inmate of such institution, between the ages of twenty-one  
 6 and forty-five shall between the first day of February and the first  
 7 day of October of each year pay in money to the street commissioner  
 8 or city or town clerk a sum to be fixed by the city or town council on  
 9 or before February first of each year, not exceeding five dollars.

[S. C. C. 4036-a1, modified.]

1 **SEC. 8. Publication clause.** This act being deemed of immediate  
 2 importance, shall take effect and be in force from and after its publi-  
 3 cation in the Des Moines Capital and the Des Moines Register, news-  
 4 papers published in Des Moines, Iowa.

Approved April 4, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 7, 1923, and the Des Moines Register April 8, 1923.

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

## CHAPTER 247

## COUNTY AUDITOR

S. F. 131

AN ACT to amend, revise and codify sections thirty-one hundred forty-six (3146), thirty-one hundred forty-seven (3147) and thirty-one hundred fifty-eight (3158) of the compiled code of Iowa, relating to the county auditor.

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

That sections thirty-one hundred forty-six (3146), thirty-one hundred forty-seven (3147) and thirty-one hundred fifty-eight (3158) of the compiled code of Iowa are amended, revised and codified to read as follows:

- 1     **SECTION 1. Financial report to contain certain schedules.** The  
2 county auditor shall during the month of January of each year, com-  
3 pile and prepare a financial report, which shall contain schedules  
4 showing:
  - 5     1. The amount of the various classes of warrants drawn on the  
6 county fund, except for court expenses, during the preceding year,  
7 including therein, among other items, the total amount paid each  
8 county officer, also their deputies and extra help, also other employees  
9 of the county, and amounts paid for rent and various other expenses,  
10 including printing and stationery, furniture and fixtures, publishing  
11 proceedings of the board of supervisors, postage allowed each county  
12 official, complete election expenses, including printing of ballots, ex-  
13 penses of registration and items of like nature.
  - 14     2. The amount of warrants drawn on the county fund for various  
15 court expenses, which shall include among other items the salary  
16 paid the county attorney and the amounts received by him as com-  
17 mission on fines and from other sources, and the amount paid to  
18 assistant counsel.
  - 19     3. The amount paid jurors, witnesses and bailiffs, respectively, in  
20 district court, amount paid for shorthand reporting, amount paid for  
21 printing and stationery, amount paid for attorney fees for defending  
22 criminals, amount paid for meals for jurors, and items of like nature.
  - 23     4. The expenses of the grand jury, stating amounts paid grand  
24 jurors, bailiffs, witnesses, and items of like nature.
  - 25     5. The expenses of the coroner's court, stating amount paid cor-  
26 oner, coroner's clerk, constable fees, witness fees and items of like  
27 nature.
  - 28     6. The expenses of justice courts, stating amounts paid various  
29 justices, constables, total amount paid witnesses, jurors, attorney fees,  
30 for printing and items of like nature.
  - 31     7. The amount drawn by each member of the board of supervisors  
32 from the several funds of the county for services during the preced-  
33 ing year.
  - 34     8. A recapitulation of the total amount of warrants drawn on the  
35 county fund with a comparison with the amount of warrants drawn  
36 on the county fund each year for the last five (5) years.
  - 37     9. The various classes of warrants drawn on the poor fund for the  
38 preceding year, with a comparison with the total amount of warrants  
39 drawn on such fund each year for the last five (5) years.

40 10. The amount of warrants drawn on the fund for the support  
41 of the insane for the preceding year, including the amounts received  
42 by each commissioner as fees and expenses, fees of witnesses, sheriff's  
43 fees and expenses, the cost of transportation and items of like nature.

44 11. The total cost of maintenance of insane at county asylum, with  
45 number confined therein, and total paid the various state hospitals  
46 for the insane, with the number of patients from the county confined  
47 in such hospitals.

48 12. The amount paid the various state institutions during the pre-  
49 ceeding year.

50 13. The amounts paid the sheriff for boarding prisoners during the  
51 preceding year, together with the amount paid the sheriff as jail  
52 expenses, with a comparison with the amounts paid for boarding  
53 prisoners and for jail expenses each year during the last five (5) years.

54 14. The amounts paid for the condemning of intoxicating liquors  
55 during the preceding year, also cost of convictions, both in justice  
56 courts and in the district court, for the violation of the laws relating  
57 to the sale of intoxicating liquors, together with the amount of fines  
58 collected for such violation and the amounts received as mulct tax, if  
59 any.

60 15. The amount of warrants drawn on the county road fund and  
61 each of the various other funds of the county.

[C. C. 3158.]

1 SEC. 2. **Publication of comparison.** The comparisons with preced-  
2 ing years provided for in the preceding section shall, after the taking  
3 effect of the permanent code be as follows:

- 4 1. The first year, comparison only with the preceding year.
- 5 2. The second year, with the two (2) preceding years.
- 6 3. The third year, with the three (3) preceding years.
- 7 4. The fourth year, with the four (4) preceding years.
- 8 5. The fifth year, with the five (5) preceding years.
- 9 6. Thereafter in the same order and manner for each five (5) year  
10 period.

[C. C. 3158.]

1 SEC. 3. **Financial report—to contain other matters.** Said financial  
2 report shall also contain the following:

3 1. The report of the county auditor as required by law to be made  
4 to the superintendent of public instruction, relating to school funds  
5 and property.

6 2. The various reports as required by law to be made to the county  
7 board of supervisors of magistrates and other officers, including for-  
8 feited recognizances in their offices, fines, penalties, forfeitures im-  
9 posed in their respective courts, and forfeited appearance bonds in  
10 criminal cases, all of which by law go into the county treasury for the  
11 benefit of the school fund.

12 3. The various reports made during the preceding year, by the  
13 county treasurer, auditor, recorder, sheriff, clerk of the district court  
14 and the soldiers' relief commission, as required by law.

15 4. The reports of the various committees that may be appointed  
16 by the board of supervisors to examine the affairs and accounts of  
17 the various county officials and employees.

18 5. Such other and further matters and information as the board  
19 of supervisors may direct or the auditor may deem advisable.

[C. C. 3158.]

1 SEC. 4. **Assistants when no deputy.** In case no deputy shall be  
2 appointed, but on account of the pressure of business in his office the  
3 auditor is compelled temporarily to employ assistants, he shall file  
4 the bill for such services with the board of supervisors at their next  
5 regular meeting and it shall make a reasonable allowance therefor.

[S. C. C. 3164.]

Approved March 22, A. D. 1923.

## CHAPTER 248

### COUNTY TREASURER

H. F. 132

AN ACT to amend, revise and codify sections thirty-one hundred seventy-three (3173) and thirty-one hundred seventy-four (3174) of the compiled code of Iowa, relating to the county treasurer.

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

That sections thirty-one hundred seventy-three (3173) and thirty-one hundred seventy-four (3174) of the compiled code of Iowa are amended, revised and codified to read as follows:

1 SECTION 1. **Separate account of each fund.** The treasurer shall,  
2 for each term of his office, keep a separate account of the several  
3 taxes for state, county, school, highway or other purposes, and of all  
4 other funds created by law, whether regular, temporary or special,  
5 and no moneys in any such fund shall be paid out or used for any  
6 other purpose, except as specially authorized by law. The treasurer  
7 shall charge himself with the amount of the tax or other fund and  
8 credit himself with the amounts disbursed on each and with the  
9 amount of delinquent taxes, when authorized to do so.

[C. C. 3173.]

Approved February 21, A. D. 1923.

## CHAPTER 249

## CORONER

H. F. 136

AN ACT to amend, revise, and codify sections thirty-two hundred nineteen (3219) to thirty-two hundred twenty-one (3221), inclusive, thirty-two hundred twenty-five (3225), thirty-two hundred twenty-six (3226), and thirty-two hundred twenty-eight (3228) of the compiled code of Iowa, relating to the coroner.

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

That sections thirty-two hundred nineteen (3219) to thirty-two hundred twenty-one (3221), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

**SECTION 1. Witnesses and jurors—coroner may enforce attendance.** The coroner shall issue subpoenas for such witnesses as have knowledge touching the manner of the death of the person whose inquest is being held, returnable at such time and place as he may direct. They shall be sworn as in other cases, and their evidence reduced to writing under the direction of the coroner, subscribed by them, and returned to the district court, with the verdict and all other papers in the case. The coroner may enforce the attendance of witnesses and jurors, and punish them for contempt in disobeying his process, in like manner as a justice of the peace may do in criminal proceedings before him. In the absence of any officer authorized to serve subpoenas or other process, the coroner may deputize some suitable person to serve the same or may himself perform such duties.

[C. C. 3219.]

**SEC. 2. Shorthand reporter—oath.** For the purpose of preserving the testimony of such witnesses, and all the acts and doings of the coroner and jury, the coroner may appoint a shorthand reporter who shall, before entering upon his duties as such reporter, take an oath to be administered by the coroner, that he will faithfully take down in shorthand the evidence as it is given by the witnesses at such inquest or investigation, and that he will correctly extend the same into longhand.

[C. C. 3219.]

**SEC. 3. Compensation—record.** Such reporter shall receive compensation not to exceed fifty cents (50c) per hour for time actually employed in any inquest or investigation, and for extending the notes, and when such shorthand report is extended into longhand by the said shorthand reporter and certified to by the coroner and reporter to the effect that it contains a full, true and complete report of all proceedings, and filed, it shall be the official record of the said inquest or investigation.

[C. C. 3219.]

**SEC. 4. Finding of jurors—form.** The jurors, having inspected the body, heard the testimony and made all needful inquiries, shall return to the coroner their verdict in writing, under their hands, in

4 substance as follows, stating the matters in the following form sug-  
5 gested, as far as found:

6 State of Iowa, }  
7 } ss.  
8 ..... County. }

9 An inquisition holden at....., in.....county,  
10 on the.....day of....., A. D., 19....., before  
11 ....., coroner of the said county, upon the  
12 body of..... (or person unknown), there lying dead,  
13 by the jurors whose names are hereto subscribed.

14 The said jurors upon their oaths do say (here state when, how, by  
15 what person, means, weapon, or accident he came to his death, and  
16 whether feloniously).

17 In testimony whereof, the said jurors have hereunto set their hands,  
18 the day and year aforesaid (which shall be attested by the coroner).

[C. C. 3220.]

1 **SEC. 5. Finding kept secret.** If the jurors find that a crime has  
2 been committed on the deceased and name the person who they believe  
3 has committed it, the verdict shall not be made public until after the  
4 arrest of the person.

[C. C. 3221.]

That sections thirty-two hundred twenty-five (3225) and thirty-two  
hundred twenty-six (3226) of the compiled code of Iowa are amended,  
revised and codified to read as follows:

1 **SEC. 6. Contents and effect of warrant—report of coroner.** The  
2 warrant of the coroner shall recite substantially the transactions be-  
3 fore him, and the verdict of the jury of inquest leading to the arrest,  
4 and such warrant shall be a sufficient foundation for the proceeding  
5 of the justice instead of an information. The coroner shall report  
6 to the clerk of the district court all cases of death which may call  
7 for the exercise of his jurisdiction; with the cause or mode of death,  
8 in accordance with forms furnished by the state board of health.

[C. C. 3225.]

1 **SEC. 7. Disposition of body—expenses.** The coroner, except as  
2 otherwise provided by law, shall cause the body of the deceased person  
3 which he is called to view to be delivered to his friends, if any there  
4 be, but if not, he shall cause him to be decently buried, and the expense  
5 to be paid from any property found with the body, or, if there be  
6 none, from the county treasury, by certifying an account of the ex-  
7 penses; which, being presented to the board of supervisors, shall be  
8 allowed by them, in a reasonable amount and paid as other claims on  
9 the county.

[C. C. 3226.]

That section thirty-two hundred twenty-eight (3228) of the compiled  
code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 8. Justice may act as coroner.** When there is no coroner, or  
2 in case of his absence or inability to act, any justice of the peace of  
3 the same county is authorized to perform the duties of coroner in  
4 relation to dead bodies, and in such cases if any person is charged

5 with a crime, may cause him to be brought before him by his warrant,  
 6 and may proceed with his preliminary hearing as a justice of the peace.  
 [C. C. 3228.]

Approved March 16, A. D. 1923.

## CHAPTER 250

### COMPENSATION OF COUNTY OFFICERS, DEPUTIES AND CLERKS

H. F. 137

AN ACT to amend, revise, and codify sections thirty-one hundred sixty-one (3161), thirty-one hundred sixty-three (3163), thirty-one hundred seventy-seven (3177), thirty-one hundred seventy-nine (3179), thirty-one hundred ninety-one (3191), thirty-one hundred ninety-four (3194), thirty-two hundred eight (3208), thirty-two hundred ten (3210), thirty-two hundred thirty-one (3231), sixty-nine hundred eighty-six (6986) and sixty-nine hundred eighty-seven (6987) of the compiled code of Iowa, and sections twenty-five hundred six (2506), thirty-one hundred sixty-two (3162), thirty-one hundred sixty-four (3164), thirty-one hundred seventy-six (3176), thirty-one hundred seventy-eight (3178), thirty-one hundred seventy-eight-a one (3178-a1), thirty-one hundred eighty-seven (3187), thirty-one hundred eighty-eight (3188), thirty-two hundred nine (3209), thirty-two hundred eleven (3211), sixty-nine hundred eighty-three (6983) and sixty-nine hundred eighty-five (6985) of the supplement to said code, relating to compensation of county officers, appointment and compensation of their deputies and the collection and accounting of fees.

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

That sections thirty-one hundred sixty-one (3161), thirty-one hundred sixty-three (3163), thirty-one hundred seventy-seven (3177), thirty-one hundred seventy-nine (3179), thirty-one hundred ninety-one (3191), thirty-one hundred ninety-four (3194), thirty-two hundred eight (3208), thirty-two hundred ten (3210), thirty-two hundred thirty-one (3231), sixty-nine hundred eighty-six (6986), sixty-nine hundred eighty-seven (6987) of the compiled code of Iowa, and sections twenty-five hundred six (2506), thirty-one hundred sixty-two (3162), thirty-one hundred sixty-four (3164), thirty-one hundred seventy-six (3176), thirty-one hundred seventy-eight (3178), thirty-one hundred seventy-eight-a one (3178-a1), thirty-one hundred eighty-seven (3187), thirty-one hundred eighty-eight (3188), thirty-two hundred nine (3209), thirty-two hundred eleven (3211), sixty-nine hundred eighty-three (6983) and sixty-nine hundred eighty-five (6985) of the supplement to said code are amended, revised, and codified to read as follows:

## CHAPTER 1

### COMPENSATION OF COUNTY OFFICERS, DEPUTIES, AND CLERKS

1 SECTION 1. Compensation of county auditor. Each county auditor  
 2 shall receive for his annual salary in counties having a population of:  
 3 1. Less than ten thousand (10,000), seventeen hundred dollars  
 4 (\$1700.00).  
 5 2. Ten thousand (10,000) and less than fifteen thousand (15,000),  
 6 eighteen hundred dollars (\$1800.00).

- 7 3. Fifteen thousand (15,000) and less than twenty thousand  
8 (20,000), nineteen hundred dollars (\$1900.00).
- 9 4. Twenty thousand (20,000) and less than twenty-five thousand  
10 (25,000), two thousand dollars (\$2,000.00).
- 11 5. Twenty-five thousand (25,000) and less than thirty thousand  
12 (30,000), twenty-one hundred dollars (\$2100.00).
- 13 6. Thirty thousand (30,000) and less than thirty-five thousand  
14 (35,000), twenty-two hundred dollars (\$2,200.00).
- 15 7. Thirty-five thousand (35,000) and less than forty thousand  
16 (40,000), twenty-four hundred dollars (\$2,400.00).
- 17 8. Forty thousand (40,000) and less than fifty thousand (50,000),  
18 twenty-eight hundred dollars (\$2,800.00).
- 19 9. Fifty thousand (50,000) and less than fifty-eight thousand  
20 (58,000), three thousand fifty dollars (\$3,050.00).
- 21 10. Fifty-eight thousand (58,000) and less than sixty-five thou-  
22 sand (65,000), thirty-three hundred dollars (\$3,300.00).
- 23 11. Sixty-five thousand (65,000) or over, thirty-four hundred dol-  
24 lars (\$3,400.00).
- 25 12. Over twenty-five thousand (25,000), having a special charter  
26 city with a population of five thousand (5000) or over, when the  
27 county auditor prepares and makes up the city tax books for such  
28 special charter city, three hundred dollars (\$300.00) in addition to  
29 the compensation as fixed by the above schedule.
- 30 In counties having two (2) places at which the district court is  
31 held five hundred dollars (\$500.00) additional.

[S. C. C. 3162.]

- 1 **SEC. 2. Compensation of deputy auditor and clerks.** Each deputy  
2 auditor shall receive as his annual salary in counties having a popula-  
3 tion of:
- 4 1. Less than fifty thousand (50,000), one-half the amount of the  
5 salary of the auditor, but if that amount is less than fifteen hundred  
6 dollars (\$1,500.00), the board of supervisors may allow an additional  
7 amount to make an aggregate not to exceed said sum.
- 8 2. Fifty thousand (50,000) or over, one deputy to be designated  
9 by the auditor as chief deputy shall receive one-half the amount of  
10 the salary of the auditor, but if that amount is less than seventeen  
11 hundred and fifty dollars (\$1,750.00), the board of supervisors may  
12 allow an additional amount to make an aggregate not to exceed said  
13 sum, and each additional deputy shall receive one-half the amount  
14 of the salary of the auditor unless said amount exceeds fifteen hun-  
15 dred dollars (\$1,500.00), in which event the salary shall not exceed  
16 said last named sum.
- 17 3. In any county having within its limits a city with a population  
18 of forty-five thousand (45,000) or over, the salaries of the chief dep-  
19 uty and one to be designated by the auditor as second deputy shall  
20 each be sixty-five per cent (65%) of the amount of the salary of the  
21 auditor, and each additional deputy shall receive one-half the amount  
22 of the salary of the auditor. If more than four (4) deputies are  
23 required or additional clerks, the board of supervisors shall fix the  
24 amount of their compensation.

[S. C. C. 3164, modified.]



- 1     **SEC. 3. Compensation of county treasurer.** Each county treasurer  
2 shall receive for his annual salary in counties having a population of:  
3     1. Less than ten thousand (10,000), seventeen hundred dollars  
4 (\$1,700.00).  
5     2. Ten thousand (10,000) and less than fifteen thousand (15,000),  
6 eighteen hundred dollars (\$1,800.00).  
7     3. Fifteen thousand (15,000) and less than twenty thousand  
8 (20,000), nineteen hundred dollars (\$1,900.00).  
9     4. Twenty thousand (20,000) and less than twenty-five thousand  
10 (25,000), two thousand dollars (\$2,000.00).  
11     5. Twenty-five thousand (25,000) and less than thirty thousand  
12 (30,000), twenty-one hundred dollars (\$2,100.00).  
13     6. Thirty thousand (30,000) and less than thirty-five thousand  
14 (35,000), twenty-two hundred dollars (\$2,200.00).  
15     7. Thirty-five thousand (35,000) and less than forty thousand  
16 (40,000), twenty-four hundred dollars (\$2,400.00).  
17     8. Forty thousand (40,000) and less than fifty thousand (50,000),  
18 twenty-eight hundred dollars (\$2,800.00).  
19     9. Fifty thousand (50,000) and less than fifty-eight thousand  
20 (58,000), three thousand fifty dollars (\$3,050.00).  
21     10. Fifty-eight thousand (58,000) and less than sixty-five thou-  
22 sand (65,000), thirty three hundred dollars (\$3,300.00).  
23     11. Sixty-five thousand (65,000) and over, thirty-four hundred  
24 dollars (\$3,400.00).  
25     12. Over twenty-five thousand (25,000) having a special charter  
26 city where the taxes are collected by the county treasurer, three hun-  
27 dred dollars (\$300.00) in addition to the compensation as fixed by  
28 the above schedule in this section.  
29     13. Forty thousand (40,000) or over, in which there is a city of  
30 the first class, of any form of government, the board of supervisors  
31 may allow additional compensation to the county treasurer not to  
32 exceed fifty dollars (\$50.00) per annum for each five thousand (5,000)  
33 population of such cities.  
34     14. In counties where the district court is held at two (2) different  
35 places the county treasurer shall receive five hundred dollars (\$500.00)  
36 in addition to the compensation as fixed by the above schedule in this  
37 section.

[C. C. 3177; S. C. C. 3176.]

- 1     **SEC. 4. Compensation of deputy treasurer and clerks.** Each dep-  
2 uty treasurer shall receive as his annual salary in counties having a  
3 population of:  
4     1. Less than fifty thousand (50,000), one-half the amount of the  
5 salary of the treasurer, but if that amount is less than fifteen hundred  
6 dollars (\$1,500.00), the board of supervisors may allow an additional  
7 amount to make an aggregate not to exceed said sum.  
8     2. Fifty thousand (50,000) or over, one (1) deputy to be desig-  
9 nated by the treasurer as chief deputy shall receive one-half the  
10 amount of the salary of the treasurer, but if that amount is less than  
11 seventeen hundred and fifty dollars (\$1,750.00), the board of super-  
12 visors may allow an additional amount to make an aggregate not to  
13 exceed said sum, and each additional deputy shall receive one-half  
14 the amount of the salary of the treasurer unless said amount exceeds

15 fifteen hundred dollars (\$1,500.00), in which event the salary shall  
16 not exceed said last named sum.

17 3. Fifty-three thousand (53,000) or over, in which there exists  
18 a city, not the county seat, having a population of six thousand (6,000)  
19 or over, the treasurer may appoint a resident deputy collector of  
20 taxes for such city and vicinity under bond as provided for other  
21 deputies, and his compensation shall be the same as a deputy in a  
22 county with a population of less than fifty thousand (50,000). The  
23 treasurer in such case shall prepare the necessary books and records  
24 for such deputy each year.

25 4. In any county having within its limits a city with a population  
26 of forty-five thousand (45,000) or over, the salaries of the chief  
27 deputy and one to be designated by the treasurer as second deputy  
28 shall each be sixty-five per cent (65%) of the amount of the salary  
29 of the treasurer, and each additional deputy shall receive one-half  
30 the amount of the salary of the treasurer. If more than four (4)  
31 deputies are required or additional clerks, the board of supervisors  
32 shall fix the amount of their compensation.

[S. C. C. 3178, 3178-a1, modified.]

1 **SEC. 5. Compensation of county recorder.** Each county recorder  
2 shall receive for his annual salary in counties having a population of:

3 1. Less than fifteen thousand (15,000), sixteen hundred dollars  
4 (\$1,600.00).

5 2. Fifteen thousand (15,000) and less than twenty thousand  
6 (20,000), seventeen hundred dollars (\$1,700.00).

7 3. Twenty thousand (20,000) and less than twenty-five thousand  
8 (25,000), eighteen hundred dollars (\$1,800.00).

9 4. Twenty-five thousand (25,000) and less than thirty thousand  
10 (30,000), nineteen hundred dollars (\$1,900.00).

11 5. Thirty thousand (30,000) and less than thirty-five thousand  
12 (35,000), two thousand dollars (\$2,000.00).

13 6. Thirty-five thousand (35,000) and less than forty thousand  
14 (40,000), twenty-one hundred dollars (\$2,100.00).

15 7. Forty thousand (40,000) and less than fifty thousand (50,000),  
16 twenty-two hundred dollars (\$2,200.00).

17 8. Fifty thousand (50,000) and less than fifty-eight thousand  
18 (58,000), twenty-three hundred dollars (\$2,300.00).

19 9. Fifty-eight thousand (58,000) and less than seventy thousand  
20 (70,000), twenty-four hundred dollars (\$2,400.00).

21 10. Seventy thousand (70,000) and less than ninety thousand  
22 (90,000), twenty-five hundred dollars (\$2,500.00).

23 11. Ninety thousand (90,000) and over, thirty-one hundred dollars  
24 (\$3,100.00).

25 12. In any county where a recorder's office is kept in two (2)  
26 different places the recorder shall receive five hundred dollars  
27 (\$500.00) in addition to the compensation as fixed by the above  
28 schedule.

[S. C. C. 3187.]

1 **SEC. 6. Compensation of deputy recorder and clerks.** Each deputy  
2 recorder shall receive as his annual salary in counties having a popu-  
3 lation of:

4 1. Less than fifty thousand (50,000), one-half the amount of the  
5 salary of the recorder, but if that amount is less than fifteen hundred

6 dollars (\$1,500.00) the board of supervisors may allow an additional  
7 amount to make an aggregate not to exceed said sum.

8 2. Fifty thousand (50,000) or over, one deputy to be designated  
9 by the recorder as chief deputy shall receive one-half the amount of  
10 the salary of the recorder, but if that amount is less than seventeen  
11 hundred fifty dollars (\$1,750.00), the board of supervisors may allow  
12 an additional amount to make an aggregate not to exceed said sum,  
13 and each additional deputy shall receive one-half the amount of the  
14 salary of the recorder unless said amount exceeds fifteen hundred  
15 dollars (\$1,500.00), in which event the salary shall not exceed said  
16 last named sum.

17 3. In any county having within its limits a city with a population  
18 of forty-five thousand (45,000) or over, the salaries of the chief  
19 deputy and one to be designated by the recorder as second deputy  
20 shall each receive sixty-five per cent (65%) of the amount of the  
21 salary of the recorder and each additional deputy shall receive one-  
22 half the amount of the salary of the recorder. If more than four (4)  
23 deputies are required or additional clerks, the board of supervisors  
24 shall fix the amount of their compensation.

[S. C. C. 3188, modified.]

1 **SEC. 7. Compensation of sheriff.** Each sheriff shall receive for his  
2 annual salary in counties having a population of:

3 1. Less than fifteen thousand (15,000), seventeen hundred dollars  
4 (\$1700.00).

5 2. Fifteen thousand (15,000) and less than twenty thousand  
6 (20,000), eighteen hundred dollars (\$1800.00).

7 3. Twenty thousand (20,000) and less than twenty-five thousand  
8 (25,000), nineteen hundred dollars (\$1900.00).

9 4. Twenty-five thousand (25,000) and less than thirty-five thou-  
10 sand (35,000), two thousand dollars (\$2000.00).

11 5. Thirty-five thousand (35,000) and less than forty thousand  
12 (40,000), twenty-one hundred dollars (\$2100.00).

13 6. Forty thousand (40,000) and less than fifty thousand (50,000),  
14 twenty-two hundred dollars (\$2200.00).

15 7. Fifty thousand (50,000) and less than fifty-eight thousand  
16 (58,000), twenty-four hundred dollars (\$2400.00).

17 8. Fifty-eight thousand (58,000) and less than sixty-five thousand  
18 (65,000), twenty-six hundred dollars (\$2600.00).

19 9. Sixty-five thousand (65,000) and over, twenty-eight hundred  
20 dollars (\$2800.00).

21 10. In any county in which district court is held in two (2) places,  
22 three hundred dollars (\$300.00) per annum in addition to the fore-  
23 going schedule.

24 11. In any county where the sheriff is not furnished a residence  
25 by the county an additional sum of three hundred dollars (\$300.00)  
26 per annum.

[C. C. 3210; S. C. C. 3209.]

1 **SEC. 8. Compensation of deputy sheriff.** Each deputy sheriff shall  
2 receive as his annual salary in counties having a population of:

3 1. Less than fifty thousand (50,000), and in any county where  
4 district court is held in but one (1) place, not to exceed fifteen hun-  
5 dred dollars (\$1500.00), fixed by the board of supervisors.

- 6 2. Fifty thousand (50,000) or over, sixty-five per cent (65%) of  
 7 the amount of salary of the sheriff to be paid to the one designated  
 8 by the sheriff as chief deputy, but in the event such amount exceeds  
 9 eighteen hundred dollars (\$1800.00), then to be reduced to said sum.  
 10 3. In any county where district court is held in two (2) places for  
 11 the chief deputy and for any deputy other than the chief deputy in  
 12 charge of the office where such court is held outside the county seat,  
 13 sixty-five per cent (65%) of the amount of the salary of the sheriff.

[S. C. C. 3211.]

- 1 **SEC. 9. Compensation of county attorney.** Each county attorney  
 2 shall receive as his annual salary in counties having a population of:  
 3 1. Less than fifteen thousand (15,000), eleven hundred dollars  
 4 (\$1100.00).  
 5 2. Fifteen thousand (15,000) and under twenty thousand (20,000),  
 6 fourteen hundred dollars (\$1400.00).  
 7 3. Twenty thousand (20,000) and under twenty-five thousand  
 8 (25,000), sixteen hundred dollars (\$1600.00).  
 9 4. Twenty-five thousand (25,000) and under thirty-five thousand  
 10 (35,000), seventeen hundred dollars (\$1700.00).  
 11 5. Thirty-five thousand (35,000) and under forty-five thousand  
 12 (45,000), two thousand dollars (\$2000.00).  
 13 6. Forty-five thousand (45,000) and under fifty-five thousand  
 14 (55,000), twenty-two hundred dollars (\$2200.00).  
 15 7. Fifty-five thousand (55,000) and under sixty-five thousand  
 16 (65,000), twenty-five hundred dollars (\$2500.00).  
 17 8. Sixty-five thousand (65,000) and over, three thousand dollars  
 18 (\$3000.00).  
 19 9. The attorney fees allowed in suits for the county on written  
 20 instruments, including school fund mortgages, foreclosed, and attor-  
 21 ney fees allowed in criminal cases.  
 22 10. In any county where district court is held in two (2) places,  
 23 an additional sum of five hundred dollars (\$500.00).  
 24 11. The county attorney shall also receive his necessary and actual  
 25 expenses incurred in attending upon his official duties at a place other  
 26 than his residence and the county seat, which shall be audited and  
 27 allowed by the board of supervisors of the county.

[C. C. 3194.]

- 1 **SEC. 10. Compensation of assistant county attorney.** Assistant  
 2 county attorneys shall receive as their annual salary in counties hav-  
 3 ing a population of:  
 4 1. Less than thirty-six thousand (36,000) no compensation.  
 5 2. Thirty-six thousand (36,000) and less than forty-five thousand  
 6 (45,000), one thousand dollars (\$1000.00).  
 7 3. Forty-five thousand (45,000) and less than seventy thousand  
 8 (70,000), fifteen hundred dollars (\$1500.00).  
 9 4. Seventy thousand (70,000) and over, two thousand dollars  
 10 (\$2000.00).

[C. C. 3191.]

- 1 **SEC. 11. Compensation of clerk of district court.** Each clerk of the  
 2 district court shall receive as his annual salary in counties having a  
 3 population of:

- 4 1. Less than ten thousand (10,000), seventeen hundred dollars
- 5 (\$1,700.00).
- 6 2. Ten thousand (10,000) and less than fifteen thousand (15,000),
- 7 eighteen hundred dollars (\$1800.00).
- 8 3. Fifteen thousand (15,000) and less than twenty thousand
- 9 (20,000), nineteen hundred dollars (\$1900.00).
- 10 4. Twenty thousand (20,000) and less than twenty-five thousand
- 11 (25,000), two thousand dollars (\$2000.00).
- 12 5. Twenty-five thousand (25,000) and less than thirty thousand
- 13 (30,000), twenty-one hundred dollars (\$2100.00).
- 14 6. Thirty thousand (30,000) and less than thirty-five thousand
- 15 (35,000), twenty-two hundred dollars (\$2200.00).
- 16 7. Thirty-five thousand (35,000) and less than forty thousand
- 17 (40,000), twenty-four hundred dollars (\$2400.00).
- 18 8. Forty thousand (40,000) and less than fifty thousand (50,000),
- 19 twenty-eight hundred dollars (\$2800.00).
- 20 9. Fifty thousand (50,000) and less than fifty-eight thousand
- 21 (58,000), three thousand fifty dollars (\$3050.00).
- 22 10. Fifty-eight thousand (58,000) and less than sixty-five thou-
- 23 sand (65,000), thirty-three hundred dollars (\$3300.00).
- 24 11. Sixty-five thousand (65,000) and over, thirty-four hundred
- 25 dollars (\$3400.00).
- 26 12. In any county where the district court is held in two (2) places
- 27 four hundred dollars (\$400.00) additional.

[S. C. C. 6983.]

- 1 **SEC. 12. Compensation of deputy clerk.** Each deputy clerk shall
- 2 receive as his annual salary in counties having a population of:
- 3 1. Less than fifty thousand (50,000), one-half the amount of the
- 4 salary of the clerk, but if that amount is less than fifteen hundred
- 5 dollars (\$1500.00), the board of supervisors may allow an additional
- 6 amount to make an aggregate not to exceed said sum.
- 7 2. Fifty thousand (50,000) or over, one deputy to be designated by
- 8 the clerk as chief deputy shall receive one-half the amount of the
- 9 salary of the clerk, but if that amount is less than seventeen hun-
- 10 dred and fifty dollars (\$1750.00), the board of supervisors may
- 11 allow an additional amount to make an aggregate not to exceed said
- 12 sum, and each additional deputy shall receive one-half the amount
- 13 of the salary of the clerk unless said amount exceeds fifteen hundred
- 14 dollars (\$1500.00), in which event the salary shall not exceed said
- 15 last named sum.
- 16 3. In any county having within its limits a city with a population
- 17 of forty-five thousand (45,000) or over, the salaries of the chief
- 18 deputy and one to be designated by the clerk as second deputy shall
- 19 each be sixty-five per cent (65%) of the amount of the salary of the
- 20 clerk, and each additional deputy shall receive one-half the amount
- 21 of the salary of the clerk. If more than four (4) deputies are required
- 22 or additional clerks, the board of supervisors shall fix the amount
- 23 of the compensation.
- 24 4. In any county in which the district court is held in two (2)
- 25 places, the deputy having charge of the office where said court is held
- 26 outside the county seat, shall receive one-half the amount of the
- 27 salary of the clerk.

[C. C. 6986; S. C. C. 6985.]

1     **SEC. 13. Compensation of county superintendent.** Each county  
2 superintendent of schools shall receive an annual salary of not less  
3 than eighteen hundred dollars (\$1800.00), and such additional com-  
4 pensation as may be allowed by the board of supervisors in each par-  
5 ticular county, but in no case to exceed three thousand dollars  
6 (\$3,000.00).

7     The county superintendent shall also receive the expenses of neces-  
8 sary office stationery and postage and those incurred upon attending  
9 meetings called by the superintendent of public instruction; claims  
10 therefor to be made by verified statement filed with the county audi-  
11 tor who shall draw his warrant upon the county treasurer therefor.

[S. C. C. 2506.]

1     **SEC. 14. Compensation of deputy county superintendent.** Each  
2 deputy county superintendent shall receive such annual salary as shall  
3 be allowed by the county board of education, and which said board  
4 shall fix each year in accordance with the provisions of the teachers'  
5 minimum wage law.

[C. C. 2479.]

1     **SEC. 15. Salaries payable in monthly installments.** The salaries  
2 fixed by the foregoing sections of this chapter shall be paid out of  
3 the general fund of the county in twelve (12) equal installments, one  
4 on the first day of each calendar month.

[C. C. 3194.]

1     **SEC. 15-a. Dual county seats.** In any county having two county  
2 seats and where the district court is held in two places, the first deputy  
3 county auditor, county treasurer, county clerk, and county recorder,  
4 or the deputy in charge of such office, shall receive sixty-five per cent  
5 (65%) of the amount of the salary of his principal.

1     **SEC. 16. Compensation of coroner—fees.** The coroner is entitled  
2 to charge and receive as his compensation the following fees, which  
3 shall be paid out of the county treasury when they cannot be obtained  
4 from the estate of the deceased:

5     1. For a view of each body upon which an inquest is held, ten dol-  
6 lars (\$10.00).

7     2. For a view of each body upon which no inquest is held, five dol-  
8 lars (\$5.00).

9     3. For issuing each subpoena, warrant, or order for a jury, twenty-  
10 five cents (25c).

11     4. For docketing each case, one dollar (\$1.00).

12     5. For each mile traveled to and returning from an examination  
13 or inquest, ten cents (10c).

14     6. For taking down in writing the evidence of witnesses, when no  
15 stenographer is employed as hereinbefore provided, ten cents (10c)  
16 per one hundred (100) words.

17     7. For returning a copy of the verdict with minutes of the testi-  
18 mony to the state inspector of mines, as provided by law, three dol-  
19 lars (\$3.00).

20     8. For all other services, the same fees as are allowed sheriffs in  
21 similar cases, to be paid in like manner.

[C. C. 3231.]

## CHAPTER 2

## DEPUTY OFFICERS, ASSISTANTS, AND CLERKS

1     **SEC. 17. Appointment.** Each county auditor, treasurer, recorder,  
 2 sheriff, county attorney, clerk of the district court, and county super-  
 3 intendent of schools, may, with the approval of the board of super-  
 4 visors, appoint one (1) or more deputies or assistants, respectively,  
 5 not holding a county office, for whose acts he shall be responsible. The  
 6 number of deputies, assistants, and clerks for each office shall be de-  
 7 termined by the board of supervisors, and such number together with  
 8 the approval of each appointment shall be by resolution made of rec-  
 9 ord in the proceedings of such board.

[C. C. 2479, 3191; S. C. C. 3164, 3178, 3188, 3211, 6985, modified.]

1     **SEC. 18. Certificate of appointment—custody.** When any such  
 2 appointment has been approved by the board of supervisors, the officer  
 3 making such appointment shall issue in writing a certificate of such  
 4 appointment, and file the same in the office of the auditor where it  
 5 shall be kept.

[C. C. 3191; S. C. C. 3164, 3178, 3188, 3211, 6985, modified.]

1     **SEC. 19. Revocation of appointment—custody.** Any certificate of  
 2 appointment may be revoked in writing at any time by the officer  
 3 making the appointment, which revocation shall be filed and kept in  
 4 the office of the auditor.

[S. C. C. 3164, 3178, 3188, 3211, 6985.]

1     **SEC. 20. Qualifications.** Each deputy shall be required to give a  
 2 bond in an amount to be fixed by the officer having the approval of  
 3 the bond of his principal, with sureties to be approved by such officer.  
 4 Such bond when approved shall be filed and kept in the office of the  
 5 auditor. Each deputy shall take the same oath as his principal, which  
 6 shall be indorsed on the certificate of appointment.

[S. C. C. 3164, 3178, 3188, 3211, 6985, modified.]

1     **SEC. 21. Powers and duties.** Each deputy, assistant and clerk shall  
 2 perform such duties as may be assigned to him or her by the officer  
 3 making the appointment and during the absence or disability of his  
 4 principal, the deputy or deputies shall perform the duties of such  
 5 principal, except a deputy superintendent of schools shall not perform  
 6 the duties of his or her principal in visiting schools or hearing appeals.

[S. C. C. 3164, 3178, 3188, 6985, modified.]

## CHAPTER 3

## COLLECTION AND ACCOUNTING OF FEES BY COUNTY OFFICERS

1     **SEC. 22. Fees belong to county.** Except as in this chapter provided,  
 2 all fees and charges of whatever kind collected for official service by  
 3 any county auditor, treasurer, recorder, sheriff, clerk of the district  
 4 court, and their respective deputies or clerks, shall belong to the  
 5 county.

[C. C. 3163, 3177, 3208, 6987.]

1    **SEC. 23. Record of fees.** Each such officer shall keep a record to  
 2 be known as the "fee book" of the office to which it relates and shall  
 3 be kept in such office as a part of the permanent county records. It  
 4 shall be ruled in appropriate columns for the date, kind of service,  
 5 for whom rendered and the amount of fee collected, and when the  
 6 charge is for recording an instrument, the names of the parties there-  
 7 to. And all said items shall be entered upon said record at the time  
 8 the service is rendered.

[C. C. 3161, 3179, 3186, modified.]

1    **SEC. 24. Quarterly reports and payments.** Each of such officers  
 2 shall make itemized and verified reports quarterly to the board of  
 3 supervisors showing in detail the fees collected during the preceding  
 4 quarter. Each such officer shall quarterly pay into the county treas-  
 5 ury all fees collected during the preceding quarter, take duplicate re-  
 6 cepts therefor and file one of such receipts in the office of the auditor.  
 7 Each such officer shall also enter upon the fee book of his office the  
 8 date and amount of each payment into the county treasury.

[C. C. 3161, 3179, 3208, 6987; S. C. C. 3187, modified.]

1    **SEC. 25. Exceptions.** The foregoing provisions shall not apply to  
 2 the service of the sheriff for dieting, lodging, and care of prisoners.

[C. C. 3208.]

1    **SEC. 26. Special assistants.** The county attorney may with the  
 2 approval of a judge of the district court procure such assistants in  
 3 the trial of a person charged with felony as he shall deem necessary  
 4 and for such assistants upon presenting to the board of supervisors  
 5 a certificate of the district judge before whom said cause was tried,  
 6 certifying to the services rendered, shall be allowed a reasonable com-  
 7 pensation therefor, to be fixed by the board of supervisors, but noth-  
 8 ing in this chapter shall prevent the board of supervisors from em-  
 9 ploying an attorney to assist the county attorney in any cause or pro-  
 10 ceeding in which the state or county is interested.

1    **SEC. 27. Publication clause.** This act being deemed of immediate  
 2 importance, shall take effect and be in full force from date of publi-  
 3 cation in the Des Moines Capital and in the Des Moines Register,  
 4 newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 14, 1923, and the Des Moines Register April 16, 1923.

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



## CHAPTER 251

## COUNTY HOMES

S. F. 141

AN ACT to amend, revise and codify sections thirty-three hundred two (3302) and thirty-three hundred four (3304) of the compiled code of Iowa, relating to county homes.

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

That section thirty-three hundred two (3302) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. County home contracts—rules prescribed. The board  
2 of supervisors, or any committee appointed by it for that purpose,  
3 may make all contracts and purchases requisite for the county farm  
4 and home and may prescribe rules or regulations for the management  
5 and government of the same, and for the sobriety, morality and in-  
6 dustry of its occupants.

[C. C. 3302.]

1 SEC. 2. Receipts—disbursements—inventory—published. The board  
2 of supervisors shall, during the month of January of each year, pub-  
3 lish in the official papers of the county as part of its proceedings, a  
4 financial statement of the receipts of the county home, or county  
5 farm, itemizing the same and stating the source thereof, which report  
6 shall also set forth the total expenditures thereof and the value of  
7 the property on hand on January first of the year for which the  
8 report is made and a comparison with the inventory of the previous  
9 year.

[C. C. 3302.]

That section thirty-three hundred four (3304) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SEC. 3. Admission to county home—labor required. The steward  
2 shall receive into the county home any person producing an order as  
3 hereafter provided, and enter in a book to be kept for that purpose,  
4 the name, age, and date of his reception, and may require of persons  
5 so admitted such reasonable and moderate labor as may be suited to  
6 their ages and bodily strength, the proceeds of which, together with  
7 the receipts of the poor farm, shall be appropriated to the use of the  
8 county home in such manner as the board may determine.

[C. C. 3304.]

1 SEC. 4. Admitted only on order. No person shall be admitted to  
2 the county home except upon the written order of a township trustee  
3 or member of the board of supervisors, and relief shall be furnished  
4 in the county home only, when the person is able to be taken there,  
5 except as hereinbefore otherwise provided.

[C. C. 3304.]

Approved March 12, A. D. 1923.

## CHAPTER 252

## COUNTY AID FOR THE BLIND

S. F. 143

AN ACT to amend, revise and codify chapter fifteen (15) of title twelve (12) of the compiled code of Iowa, relating to county aid for the blind.

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

That chapter fifteen (15) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

## CHAPTER 15

## COUNTY AID FOR THE BLIND

1 SECTION 1. Aid for blind. Any person declared to be blind, under  
2 the provisions of this chapter, if male over twenty-one (21) and if  
3 female over eighteen (18) years of age, who is not a charge of any  
4 charitable institution, and has not an income of over three hundred  
5 dollars (\$300.00) per annum, and who has resided in Iowa five (5)  
6 years and in the county one (1) year immediately before applying  
7 therefor, may receive as a benefit the sum of not more than three  
8 hundred dollars (\$300.00) per annum as the board of supervisors may  
9 determine.

[C. C. 3334, 3335, 3336.]

1 SEC. 2. Examiner for the blind. The board of supervisors in each  
2 county shall appoint a regular practicing physician who shall examine  
3 applicants for said benefit.

[C. C. 3337, modified.]

1 SEC. 3. Duties of examiner. The examiner of the blind shall ex-  
2 amine all applicants referred to him by the board of supervisors, and  
3 indorse on the application a certificate showing whether the applicant  
4 is blind or not. The examiner shall keep a register in which he shall  
5 enter the name, age, and place of residence of the applicant, and the  
6 facts ascertained by the examination, and enter the same on the cer-  
7 tificate. He shall be paid from the county treasury for his services  
8 the sum of two dollars (\$2.00) for each applicant examined.

[C. C. 3338.]

1 SEC. 4. Application for relief—how made—proof. Any person  
2 claiming benefits under the provisions of this chapter may go before  
3 the auditor of the county of his residence and make affidavit to the  
4 facts which bring him within its provisions, which shall be deemed  
5 an application for the benefit. The affidavit shall be accompanied by  
6 the affidavits of two (2) reputable citizens, residents of the county,  
7 that they have known said applicant to be a resident of the state for  
8 five (5) years and of the county for one (1) year immediately preced-  
9 ing the filing of the application. The auditor shall present the matter  
10 to the board of supervisors, which shall refer the application to the  
11 examiner of the blind.

[C. C. 3339, modified.]

1     **SEC. 5. Duty of auditor.** The auditor shall register the name, ad-  
 2     dress and number of the applicant, and date of the examination of  
 3     each applicant who has been determined to be entitled to said benefit,  
 4     and each year on or before the fifteenth day of January, he shall cer-  
 5     tify to the board of supervisors the name and address of each such  
 6     applicant.

[C. C. 3340, modified.]

1     **SEC. 6. Duty of board of supervisors.** It shall be the duty of the  
 2     board of supervisors of each county in this state to cause warrants  
 3     to be drawn upon the county general fund, or poor fund at the dis-  
 4     cretion of the board, properly indorsed, payable to each of said persons  
 5     in said county each quarter in each year thereafter, during the life  
 6     of said persons, while they are residents of said county and while said  
 7     disability continues. Where the beneficiary under the provisions of  
 8     this chapter is for any cause unable to judiciously expend said fund,  
 9     the same may be paid to the overseer of the poor or some person ap-  
 10    pointed by the board of supervisors, who shall expend the same for  
 11    the use and benefit of the beneficiary.

[C. C. 3334, 3341, modified.]

Approved April 12, A. D. 1923.

## CHAPTER 253

### BOUNTIES ON WILD ANIMALS

H. F. 146

AN ACT to amend, revise and codify chapter eighteen (18) of title twelve (12) of the compiled code of Iowa, relating to bounties on wild animals.

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

That chapter eighteen (18) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

## CHAPTER 18

### BOUNTIES ON WILD ANIMALS

1     **SECTION 1. Bounties on certain animals.** The board of supervisors  
 2     of each county shall allow and pay from the county treasury bounties  
 3     for wild animals caught and killed within the county as follows:

4     For each adult wolf, ten dollars (\$10.00).

5     For each cub wolf, four dollars (\$4.00).

6     For each lynx, one dollar (\$1.00).

7     For each wildcat, one dollar (\$1.00).

8     For each pocket gopher, ten cents (10c).

[C. C. 3357, 3358.]

1     **SEC. 2. Optional bounties.** The board may by resolution adopted  
 2     and entered of record authorize the payment of bounties as follows:  
 3     For each crow, ten cents (10c).

- 4 For each groundhog, twenty-five cents (25c).  
 5 For each rattlesnake, fifty cents (50c).

[C. C. 3361, 3364, 3367.]

- 1 **SEC. 3. Additional bounties.** The board may determine what  
 2 bounties, in addition to those named in the two (2) preceding sections,  
 3 if any, shall be offered and paid by the county on the scalps of such  
 4 wild animals taken and killed within the county as it may deem it  
 5 expedient to exterminate, but no such bounty shall exceed five dollars  
 6 (\$5.00).

[S. C. C. 3130.]

- 1 **SEC. 4. Filing claims—proofs.** All claims for bounties shall be  
 2 verified by the claimant, and filed with the county auditor, with such  
 3 other proof as may be required by the board.

[C. C. 3357, 3360.]

- 1 **SEC. 5. Showing required.** The verified claim shall show that each  
 2 animal for which bounty is claimed was caught and killed within the  
 3 county within thirty (30) days next prior to the filing of the claim,  
 4 and the claimant shall exhibit before the county auditor:

- 5 1. The whole skin of each wolf, lynx or wildcat.  
 6 2. Both front feet and claws of each gopher.  
 7 3. The head and feet of each crow.  
 8 4. The head or scalp of each groundhog.  
 9 5. Two (2) inches of the tail, with rattles attached, of each rattle-  
 10 snake.

[C. C. 3357-3368.]

- 1 **SEC. 6. Auditor to destroy proofs.** The auditor shall:  
 2 1. Destroy or deface the skin of each wolf, lynx, and wildcat so as  
 3 to prevent their use in obtaining another bounty, and may return  
 4 to the owner any such defaced skins, and the rattles of any rattle-  
 5 snake.  
 6 2. Destroy the heads, scalps, feet, claws, and other portions re-  
 7 quired to be exhibited of such animals.

[C. C. 3357, 3363, 3369.]

- 1 **SEC. 7. False claim to bounty punished.** Any person who shall  
 2 claim or attempt to procure any bounty provided for in this chapter  
 3 upon any animal killed in another state or county, or upon any ani-  
 4 mal which has been domesticated, or who shall attempt to obtain any  
 5 bounty by presenting any false claim or spurious exhibit, shall be  
 6 fined not more than one hundred dollars (\$100.00) nor less than fifty  
 7 dollars (\$50.00) for each offense.

[C. C. 3357, modified.]

Approved February 21, A. D. 1923.

## CHAPTER 254

## RELOCATION OF COUNTY SEATS

S. F. 147

AN ACT to amend, revise and codify chapter nineteen (19) of title twelve (12) of the compiled code of Iowa, relating to the relocation of county seats.

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

That chapter nineteen (19) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SECTION 1. Relocation of county seats.** Petitions for the reloca-  
2     tion of a county seat shall be made to the board of supervisors at its  
3     regular June session and not oftener than once in five (5) years.

[C. C. 3370.]

1     **SEC. 2. Petition—requirements.** Said petition may be in different  
2     parts and shall be filed with the county auditor at least sixty (60)  
3     days before said June session, and shall:

4     1. Designate the city or town at which the petitioners desire to  
5     have the county seat relocated.

6     2. Be signed by none but legal voters of the county.

7     3. Contain the section, township and range on which, or the town,  
8     precinct or ward if in a city, in which the petitioner resides.

9     4. Give the age and time of residence in the county of such peti-  
10    tioner.

11    5. Be accompanied at the time of filing by affidavits of one (1) or  
12    more residents of the county, stating:

13    (a) That the signers of the petition were, at the time of signing,  
14    legal voters of said county.

15    (b) The number of signers to the petition at the time the affidavit  
16    is made.

[C. C. 3371.]

1     **SEC. 3. Time of hearing.** Upon the filing of the petition, the county  
2     auditor shall fix a time for the hearing thereon before the board of  
3     supervisors, which time shall not be less than sixty (60) nor more  
4     than ninety (90) days after the first publication, or after the com-  
5     pleted posting, of the notice hereinafter provided for.

[New.]

1     **SEC. 4. Notice.** The county auditor shall forthwith cause a notice  
2     of the filing of such petition and of the time of hearing thereon, to  
3     be published once each week for three (3) consecutive weeks in a  
4     newspaper published in the county; if there be no newspaper pub-  
5     lished in the county, the auditor shall cause said notice to be posted  
6     in a public place in each township in the county, and also on the door  
7     of the courthouse.

[C. C. 3373.]

1     **SEC. 5. Remonstrances.** Remonstrances against such relocation,  
2     signed by voters with like qualifications, and in all respects as re-

3 quired of petitioners, and verified in the same manner, may be filed  
4 with the auditor ten (10) days prior to the date of hearing as stated  
5 in said notice.

[C. C. 3372.]

1 **SEC. 6. Objections—evidence.** Objections to the legal sufficiency  
2 of either the petition or remonstrance, or any part thereof, may be  
3 filed at any time before the hearing commences. The reception of  
4 such objections during the hearing shall be at the discretion of the  
5 board. The board may disregard any objection which is not specific,  
6 or may require it to be made specific. The board may receive evi-  
7 dence with reference to any material fact.

[New.]

1 **SEC. 7. Total rejection of petition or remonstrance.** A petition  
2 which fails to distinctly state the city or town at which the petition-  
3 ers desire to have the county seat relocated shall be rejected without  
4 further investigation; likewise a petition or remonstrance which is  
5 not accompanied by the required affidavits.

[New.]

1 **SEC. 8. Canvass.** If the petition is found to be sufficient as pro-  
2 vided in the preceding section, the board shall proceed to canvass the  
3 same, and also the remonstrance if it is found to be sufficient. In  
4 such canvass the board shall proceed as follows:

5 1. It shall strike from both the petition and the remonstrance all  
6 names which do not appear therein in the form required by this chap-  
7 ter.

8 2. It shall strike from both the petition and the remonstrance the  
9 names of all persons shown not to have been legal voters of the  
10 county at the time of signing.

11 3. It shall also strike from the petition and remonstrance all  
12 names not placed thereon within sixty (60) days next preceding the  
13 filing of the petition or remonstrance.

14 4. It shall, after the foregoing has been determined, strike from  
15 the petition all names that appear on both petition and remonstrance.

[C. C. 3374, modified.]

1 **SEC. 9. Election called.** If the petition shows, after all names have  
2 been stricken as hereinbefore required, that it has been signed by  
3 legal voters equal to at least one-half ( $\frac{1}{2}$ ) of all legal voters of the  
4 county as shown by the last state or federal census, and that such  
5 number of voters so signing exceeds the number of voters who have,  
6 after all names have been stricken as required, signed the remon-  
7 strance, then the board shall order the proposition submitted to a vote  
8 of the people.

[C. C. 3374.]

1 **SEC. 10. Submission of question.** The proposal to relocate a  
2 county seat shall be submitted at the general election held in the year  
3 in which the order is made, if there be sufficient time in which to give  
4 the notice hereinafter required. If there be not sufficient time, and  
5 in those cases where no general election is held in the year in which  
6 the order is made, the board shall submit such proposition at a special  
7 election to be called by the board.

[C. C. 3374, modified.]

1     **SEC. 11. Notice of election.** The county auditor shall cause notice  
 2 of such election to be posted in three (3) public places in each town-  
 3 ship, at least fifty (50) days before the day of election, and shall  
 4 also cause said notice to be published in some newspaper published in  
 5 the county and of general circulation therein, if there be one (1)  
 6 published in the county, once each week for four (4) consecutive  
 7 weeks, the last of which publications shall be at least twenty (20)  
 8 days before said election.

[C. C. 3374, modified.]

1     **SEC. 12. Conduct of election—form of proposition.** The election  
 2 shall be conducted as elections for county officers are conducted. The  
 3 question shall be submitted in the following form:          Yes  
 4     Shall the proposition to change the county seat to       
 5 (naming the town or city to which the change is          No  
 6 proposed) be adopted?

[C. C. 3375]

1     **SEC. 13. Vote necessary to remove.** The board shall make a record  
 2 of the total vote cast for and against the proposition. If a majority  
 3 of all the votes cast be in favor of the proposition, the board shall,  
 4 except as declared in the next section, declare the county seat re-  
 5 moved accordingly, and shall, as soon as practicable, proceed to re-  
 6 move the county records to the new location.

[C. C. 3376.]

1     **SEC. 14. Removal in certain cases.** Where a county seat has been  
 2 located continuously in one city or town for forty (40) years or more,  
 3 and the proposal is to relocate such county seat in another city or  
 4 town, the corporate limits of which are more than a mile from the  
 5 corporate limits of the present county seat, such proposition shall not  
 6 be deemed carried, and the county records shall not be removed to  
 7 the new county seat unless two-thirds (2/3) of all the votes cast be  
 8 in favor of such proposed removal.

[C. C. 3374, 3376.]

1     **SEC. 15. Records—time of removal—place of holding court.** If the  
 2 proposition to relocate be carried, the board of supervisors may per-  
 3 mit the county records to remain at the old county seat, and the dis-  
 4 trict court may continue to hold its sessions thereat until such time  
 5 as a new courthouse is built and equipped at the new county seat.

[New.]

1     **SEC. 16. Proof of service.** Proof of the giving of notices required  
 2 by this chapter shall be made as provided in case of original notices.

[New.]

Approved March 22, A. D. 1923.

## CHAPTER 255

## JAILS

H. F. 150

AN ACT to amend, revise and codify sections thirty-four hundred one (3401) to thirty-four hundred eight (3408), inclusive, and sections thirty-four hundred eleven (3411), thirty-four hundred fourteen (3414), thirty-four hundred fifteen (3415), thirty-four hundred eighteen (3418), thirty-four hundred twenty (3420), and thirty-four hundred twenty-three (3423) of the compiled code of Iowa, relating to jails.

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

That sections thirty-four hundred one (3401) to thirty-four hundred eight (3408), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

1     **SECTION 1. Duty as to jail and prisoners.** The sheriff shall have  
2     chargé and custody of the prisoners in the jail or other prisons of his  
3     county, and shall receive those lawfully committed, and keep them  
4     until discharged by law.

[C. C. 3401.]

1     **SEC. 2. Minors separately confined.** Any sheriff, city marshal or  
2     chief of police, having in his care or custody any prisoner under the  
3     age of eighteen (18) years, shall keep such prisoner separate and  
4     apart, and prevent communication by such prisoner with prisoners  
5     above that age, while such prisoners are not under the personal super-  
6     vision of such officer, if suitable buildings or jails are provided for  
7     that purpose, unless such prisoner is likely to or does exercise an  
8     immoral influence over other minors with whom he may be imprisoned.  
9     Any officer having charge of prisoners who without just cause or ex-  
10    cuse neglects or refuses to perform the duties imposed on him by this  
11    section may be suspended or removed from office therefor.

[C. C. 3402.]

1     **SEC. 3. Females.** All jails shall be equipped with a separate apart-  
2     ment for females, who shall be detained only in such apartment, and  
3     males and females shall not at the same time be allowed in the same  
4     apartment.

[C. C. 3403.]

1     **SEC. 4. Keeper's duty—supplies furnished—account.** The keeper  
2     of each jail shall:  
3     1. See that the jail is kept in a clean and healthful condition.  
4     2. Furnish each prisoner with necessary bedding, clothing, towels,  
5     fuel and medical aid.  
6     3. Serve each prisoner three (3) times each day with an ample  
7     quantity of wholesome food.  
8     4. Furnish each prisoner sufficient clean, fresh water for drinking  
9     purposes and for personal use.  
10    5. Keep an accurate account of the items furnished each prisoner.

[C. C. 3404, 3407.]



1     **SEC. 5. Sheriff's duty.** The sheriff must keep an accurate calendar  
 2 of each prisoner committed to his care, which shall contain his name,  
 3 place of abode, the day and hour of commitment and discharge, the  
 4 cause and term of commitment, the authority that committed him,  
 5 and a description of his person, a statement of his occupation, educa-  
 6 tion and general habits. When any prisoner is discharged, such cal-  
 7 endar must show the day and hour when and the authority by which  
 8 it took place, and if a person escapes, it must state particularly the  
 9 time and manner thereof.

[C. C. 3405.]

1     **SEC. 6. Calendar returned.** At the opening of each term of the  
 2 district court within his county, the sheriff must return a copy of  
 3 such calendar to the judge thereof. If a sheriff neglects or refuses  
 4 so to do, he shall be punished by fine not exceeding one hundred dol-  
 5 lars (\$100.00).

[C. C. 3406.]

1     **SEC. 7. Removal in case of fire.** When a jail or any building con-  
 2 tiguous or near thereto is on fire, and there is reason to apprehend  
 3 that the prisoners therein may be injured thereby, the sheriff or  
 4 keeper must remove such prisoners to some safe and convenient place,  
 5 and there confine them so long as it may be necessary to avoid such  
 6 danger.

[C. C. 3408.]

That section thirty-four hundred eleven (3411) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 8. Report.** Such report must state the number of persons  
 2 confined, for what cause, the number usually confined in one (1)  
 3 room, the distinction, if any, observed in the treatment of prisoners,  
 4 the evils found to exist in such prisons, and particularly whether any  
 5 provision of this chapter has been violated or neglected, and in what  
 6 respects.

[C. C. 3411.]

That sections thirty-four hundred fourteen (3414) and thirty-four hundred fifteen (3415) of the compiled code of Iowa are amended, revised and codified to read as follows:

1     **SEC. 9. Refractory prisoners.** If any person confined in a jail is  
 2 refractory or disorderly, or wilfully destroys or injures any part  
 3 thereof or of its contents, the sheriff may chain or secure such person,  
 4 or cause him to be kept in solitary confinement, not more than ten  
 5 (10) days for any one (1) offense, during which time he may be fed  
 6 with bread and water only, unless other food is necessary for the  
 7 preservation of his health.

[C. C. 3414.]

1     **SEC. 10. Expenses of jail.** All charges and expenses for the safe-  
 2 keeping and maintenance of prisoners shall be allowed by the board  
 3 of supervisors, except those committed or detained by the authority  
 4 of the courts of the United States, in which cases the United States  
 5 must pay such expenses to the county.

[C. C. 3415.]

That section thirty-four hundred eighteen (3418) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 11. Under whose direction.** If the sentence is for the viola-  
2     tion of any of the statutes of the state, the sheriff of the county shall  
3     superintend the performance of the labor, and furnish the tools and  
4     materials, if necessary, to work with, at the expense of the county in  
5     which the convict is confined, and such county shall be entitled to his  
6     earnings.

[C. C. 3418.]

1     **SEC. 12. Labor under rules—not to be leased.** Such labor shall be  
2     performed in accordance with such rules as may be made by resolu-  
3     tion of the board of supervisors, not inconsistent with the provisions  
4     of this chapter, and such labor shall not be leased.

[C. C. 3418.]

That section thirty-four hundred twenty (3420) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 13. Attempt to escape—refusal to labor—punishment.** The  
2     officer having charge of any prisoner may use such means as are  
3     necessary to prevent his escape, and if the prisoner attempts to escape  
4     or if, being convicted, he refuses to labor, the officer having him in  
5     charge may, to secure his person or cause him to labor, deal with  
6     him as with other disorderly or refractory prisoners. Such punish-  
7     ment shall be inflicted within the jail or jail inclosure, and the time  
8     of such solitary confinement shall not be considered as any part of  
9     the time for which the prisoner is sentenced.

[C. C. 3420.]

That section thirty-four hundred twenty-three (3423) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SEC. 14. Protecting prisoners.** The officer having a prisoner in  
2     charge shall protect him from insult and annoyance and communica-  
3     tion with others while at labor, and going to and returning from the  
4     same, and may use such means as are necessary and proper therefor.

[C. C. 3423.]

1     **SEC. 15. Annoyance of prisoner punished.** Any person persisting  
2     in insulting or annoying or communicating with any prisoner, after  
3     being commanded by such officer to desist, shall be punished by a  
4     fine not exceeding ten dollars (\$10.00), or by imprisonment not ex-  
5     ceeding three (3) days.

[C. C. 3423.]

Approved March 8, A. D. 1923.

## CHAPTER 256

## TOWNSHIP HALLS

H. F. 152

AN ACT to amend, revise and codify chapter twenty-four (24) of title twelve (12) of the compiled code of Iowa, relating to township halls.

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

That chapter twenty-four (24) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

## CHAPTER 24

## TOWNSHIP HALLS

1 SECTION 1. Township hall—submission to vote. The trustees, on  
2 a petition of a majority of the resident freeholders of any civil town-  
3 ship, shall submit to the electors thereof, by posting notices of such  
4 election in four (4) conspicuous places in the township, thirty (30)  
5 days before election, and the form of the proposition shall be: "Shall  
6 the proposition to levy a tax of.....mills on the dollar for the  
7 erection of a public hall be adopted?"

[C. C. 3460.]

1 SEC. 2. Tax to build hall. If a majority of the votes cast are in  
2 favor of the tax, the trustees shall certify such fact to the board of  
3 supervisors, and they shall thereupon levy a tax not to exceed the  
4 rate voted and not to exceed three (3) mills on the dollar on the  
5 taxable property of the township; and when such tax is collected by  
6 the treasurer, it shall be paid to the township clerk; but said clerk  
7 shall not receive to exceed one per cent (1%) for handling said  
8 money.

[C. C. 3461.]

SEC. 3. Township hall funds—transfer authorized—how made.  
1 When there are funds in the hands of any township clerk, raised under  
2 the provisions of this chapter, when same is not desired for the pur-  
3 poses for which it was raised, then said fund may be transferred to  
4 the road fund of any township wherein same was raised, when a peti-  
5 tion is presented to the trustees, signed by a majority of the electors  
6 of said township that voted at the last regular election prior to the  
7 signing of said petition, as shown by the poll books of said township,  
8 said transfer of funds to be made by the township clerk upon order  
9 of the trustees after the filing of said petition with said clerk.

[C. C. 3462.]

1 SEC. 4. Location. Any public hall built under the provisions of this  
2 chapter shall be located by the township trustees so as to accommo-  
3 date the greatest number of the resident taxpayers, and for such  
4 purpose the trustees may purchase land not to exceed in value one  
5 hundred dollars (\$100.00).

[C. C. 3463.]

1    **SEC. 5. Trustees to build.** The township trustees shall have  
 2 charge of the building of such hall, shall receive bids, and shall let  
 3 the building of the same to the lowest responsible bidder, and the  
 4 township clerk shall pay out of the funds collected, only on the order  
 5 of the trustees of said township.

[C. C. 3464.]

1    **SEC. 6. Clerk to be custodian—law displayed.** The township clerk,  
 2 under the direction of the trustees, shall be the custodian of the build-  
 3 ing, and the use thereof may be permitted by the township trustees  
 4 to citizens of the township for any lawful purpose; and, for the pur-  
 5 poses of this chapter, the township clerk is hereby clothed with all  
 6 the powers and duties of a constable of the township, to maintain  
 7 order within and about the premises, protect the property, and en-  
 8 force orders of the township trustees with respect thereto. A copy  
 9 of this section shall be at all times kept posted in a conspicuous place  
 10 in said hall.

[C. C. 3465.]

1    **SEC. 7. Clerk to give bond.** When a tax is voted as provided in  
 2 this chapter, the township clerk shall, before drawing any of said tax  
 3 from the treasury of the county, execute a bond, with penalty double  
 4 the amount of said tax, which bond shall be approved by the board  
 5 of supervisors.

[C. C. 3466.]

1    **SEC. 8. Tax for repairs.** The trustees of any township where such  
 2 building has been erected are hereby authorized to certify to the board  
 3 of supervisors that a tax of not exceeding in any one (1) year, one-  
 4 half ( $\frac{1}{2}$ ) mill on the dollar, of the taxable property of the township,  
 5 should be levied, to be used in keeping such building in repair, to  
 6 furnish same with necessary furniture and provide for the care  
 7 thereof. When such certificate is filed in the auditor's office, the  
 8 board of supervisors shall levy such tax.

[C. C. 3467.]

Approved February 21, A. D. 1923.

## CHAPTER 257

### POLICE AND MAYOR'S COURT

S. F. 157

AN ACT to amend, revise and codify sections three thousand five hundred eighty-four (3584) and three thousand five hundred eighty-seven (3587) of the compiled code of Iowa, relating to municipal corporations.

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

That section three thousand five hundred eighty-four (3584) of the compiled code of Iowa is amended, revised and codified to read as follows:

1    **SECTION 1. Police court—jurisdiction.** In cities of the first class  
 2 wherein there is no municipal or superior court there shall be a police

3 court which in all criminal actions shall have the jurisdiction of a  
4 justice of the peace court and a mayor's court. It shall be a court of  
5 record, and have a seal to be provided by the council, with the name of  
6 the state in the center and the style of the court around the margin.  
7 It shall be held in suitable rooms to be provided by the city, and  
8 shall always be open for business.

[C. C. 3516, 3584, modified.]

That section three thousand five hundred eighty-seven (3587) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 2. Jurisdiction of mayor.** In cities having a superior, munic-  
2 ipal or police court, such court shall have exclusive jurisdiction of all  
3 actions or prosecutions for violation of city ordinances. In other  
4 cities and towns, the mayor shall have exclusive jurisdiction of all  
5 actions or prosecutions for violations of city or town ordinances, and  
6 shall have, in criminal matters, the jurisdiction of a justice of the  
7 peace, coextensive with the county, and in civil cases, the jurisdiction  
8 within the city or town that a justice of the peace has within the  
9 township. If the mayor or judge of the superior, municipal, or police  
10 court is absent or unable to act, the nearest justice of the peace shall  
11 have jurisdiction and hold court in criminal cases, and receive the  
12 statutory fees, to be paid by the city or county as the case may be.

[C. C. 3587, modified.]

1 **SEC. 3. Transfer of case—fees.** When an information is filed be-  
2 fore the mayor for the violation of an ordinance of the city or town,  
3 he may, upon his own motion only, at any time before trial, transfer  
4 the case for further proceedings to any justice of the peace court  
5 within such city or town, and such justice of the peace shall have  
6 jurisdiction thereof to the same extent and with the same power as  
7 the mayor. The fees taxable after the transfer of the case, fixed by  
8 ordinance, shall be paid by the city or town to such justice.

[C. C. 3587.]

Approved March 9, A. D. 1923.

## CHAPTER 258

### MUNICIPAL PARKS

S. F. 159

AN ACT to amend, revise and codify sections three thousand six hundred sixty-seven (3667), three thousand six hundred eighty-five (3685), and three thousand six hundred eighty-six (3686), of the compiled code of Iowa, relating to municipal corporations.

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

That sections three thousand six hundred sixty-seven (3667), three thousand six hundred eighty-five (3685), and three thousand six hundred eighty-six (3686) of the compiled code of Iowa are amended, revised and codified to read as follows:

1 SECTION 1. Tax levy. The board shall, on or before the first day  
 2 of August of each year, determine and fix the amount or rate not  
 3 exceeding two and one-half ( $2\frac{1}{2}$ ) mills on the dollar in all cities and  
 4 towns on the taxable valuation of such city or town, to be levied,  
 5 collected, and appropriated for the ensuing year, for general park  
 6 purposes, and shall cause the same to be certified to the city council,  
 7 which shall levy such tax or so much thereof as it may deem necessary  
 8 to promote park interests, and certify the per cent thereof to the  
 9 county auditor, with the other taxes for said year.

[C. C. 3667, modified.]

Approved February 24, A. D., 1923.

## CHAPTER 259

### RIVER FRONT COMMISSION

S. F. 161

AN ACT to amend, revise and codify sections three thousand seven hundred seven (3707) and three thousand seven hundred eight (3708) of the compiled code of Iowa, relating to municipal corporations.

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

That sections three thousand seven hundred seven (3707) and three thousand seven hundred eight (3708) of the compiled code of Iowa are amended, revised and codified to read as follows:

1 SECTION 1. Title to river bed—lost boundary lines. When said  
 2 commissioners have been so appointed and qualified, the fee simple  
 3 title to the bed of the meandered stream, separating the corporate  
 4 limits of the city for which they are appointed, shall immediately  
 5 vest in the commission in trust for the public, and the same while  
 6 held by the commission shall be exempt from taxation; but the fee  
 7 title to the channel or bed of the stream to be located and preserved  
 8 as hereinafter provided shall remain in the state; and the vested  
 9 rights of riparian owners and owners of water powers, shall not be  
 10 injuriously affected by this chapter. Where the original boundary  
 11 lines separating the land under the control of said commission from  
 12 the land of the state or of any adjoining landowner, or the monuments  
 13 marking the same have been lost, destroyed, or in dispute, said com-  
 14 missioners may proceed to have said boundary lines established as  
 15 disputed corners and boundaries are established.

[C. C. 3707.]

1 SEC. 2. Powers. Said commission may redeem lands between the  
 2 meandered lines of such stream, construct, regulate and maintain  
 3 dams across such streams, provide for and protect, by secure walls  
 4 or banks, a channel adequate to carry flood waters of a volume equal  
 5 to all reasonable expectations, based on past experience, and the area  
 6 drained by such stream, according to expert authority; beautify such  
 7 walls or banks; and park so much thereof as public interest may re-

8 quire; and where circumstances permit, make any part of the area  
 9 redeemed and acquired suitable for sites for public buildings. The  
 10 acts of said commission so far as the same may affect city parks,  
 11 theretofore under the jurisdiction of the park commissioners or ad-  
 12 ditions acquired thereto, shall be subject to the approval of the board  
 13 of park commissioners.

[C. C. 3708.]

Approved March 22, A. D. 1923.

## CHAPTER 260

### PUBLIC COMFORT STATIONS

H. F. 162

AN ACT to amend, revise and codify section three thousand seven hundred thirty (3730) of the compiled code of Iowa, relating to municipal corporations.

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

That section three thousand seven hundred thirty (3730) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. Public comfort stations. Any town of one thousand  
 2 (1,000) or more inhabitants and any city of less than twenty-five  
 3 thousand (25,000) inhabitants may establish and maintain one (1)  
 4 public comfort station. Any city of more than twenty-five thousand  
 5 (25,000) inhabitants and less than fifty thousand (50,000) may estab-  
 6 lish and maintain two (2) public comfort stations, and any city of  
 7 over fifty thousand (50,000) inhabitants may establish and maintain  
 8 three (3) public comfort stations.

[C. C. 3730, modified.]

Approved February 15; A. D. 1923.

## CHAPTER 261

### POLICEMEN'S AND FIREMEN'S PENSION FUNDS

S. F. 181

AN ACT to amend, revise, and codify sections four thousand eighty-nine (4089) to four thousand ninety-two (4092), inclusive, four thousand ninety-four (4094) to four thousand one hundred (4100), inclusive, and four thousand one hundred two (4102) to four thousand one hundred five (4105), inclusive, of the compiled code of Iowa, and sections four thousand ninety-three (4093) and four thousand one hundred one (4101) of the supplement to said code, relating to municipal corporations.

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

That sections four thousand eighty-nine (4089) to four thousand ninety-two (4092), inclusive, four thousand ninety-four (4094) to four thousand

one hundred (4100), inclusive, and four thousand one hundred two (4102) to four thousand one hundred five (4105), inclusive, of the compiled code of Iowa, and sections four thousand ninety-three (4093) and four thousand one hundred one (4101) of the supplement to said code are amended, revised, and codified to read as follows:

1     **SECTION 1. Tax for policemen's and firemen's pension funds.** Any  
2 city or town having an organized fire department may, and all cities  
3 having an organized police department or a paid fire department shall  
4 levy annually a tax not to exceed one-half ( $1\frac{1}{2}$ ) mill for each such  
5 department, for the purpose of creating firemen's and policemen's  
6 pension funds; cities operating under city manager and having a  
7 population exceeding thirty-five thousand (35,000), may levy an  
8 additional tax not to exceed one mill for each such department for  
9 such purpose. All moneys derived from each tax so levied, and all  
10 moneys received as membership fees and dues, and all moneys re-  
11 ceived from grants, donations, and devises for the benefit of each fund  
12 shall constitute separate funds, to be known and designated as a  
13 policemen's pension fund and a firemen's pension fund.

[C. C. 4089, 4097.]

1     **SEC. 2. Boards of trustees—officers.** The chief officer of each de-  
2 partment, with the city treasurer and the city solicitor or attorney  
3 of such cities or towns shall be ex officio members of and shall con-  
4 stitute separate boards of trustees for the management of each fund.  
5 The chief officer of the department shall be president and the city  
6 treasurer treasurer of such boards, and the faithful performance of  
7 the duties of the treasurer shall be secured by his official bond as city  
8 treasurer. Such trustees shall not receive any compensation for their  
9 services as members of said boards.

[C. C. 4089, 4090, 4097, 4098.]

1     **SEC. 3. Investment of surplus.** The boards shall have power to  
2 invest any surplus left in such funds, respectively, at the end of the  
3 fiscal year, but no part of the funds realized from any tax levy shall  
4 be used for any purpose other than the payment of pensions. Invest-  
5 ments shall be limited to interest-bearing bonds of the United States,  
6 of the state of Iowa, of any county, township, or municipal corpora-  
7 tion of the state of Iowa. All such securities shall be deposited with  
8 the treasurer of the boards of trustees for safe-keeping.

[C. C. 4091, 4099.]

1     **SEC. 4. Gifts, devises or bequests.** Each board may take by gift,  
2 grant, devise, or bequest, any money or property, real or personal, or  
3 other thing of value for the benefit of said funds. All rewards in  
4 moneys, fees, gifts, or emoluments of every kind or nature that may  
5 be paid or given to any police or fire department or to any member  
6 thereof, except when allowed to be retained or given to endow a medal  
7 or other permanent or competitive reward on account of extraordinary  
8 services rendered by said departments or any member thereof, and all  
9 fines and penalties imposed upon members shall be paid into the said  
10 pension fund and become a part thereof.

[C. C. 4092, 4100.]



1     **SEC. 5. Membership fee—assessments.** Every member of said de-  
 2 departments shall be required to pay to the treasurer of said funds a  
 3 membership fee to be fixed by the board of trustees, not exceeding  
 4 five dollars (\$5.00), and shall also be assessed and required to pay  
 5 annually an amount equal to one per cent (1%) per annum upon the  
 6 amount of the annual salary paid to him, which assessment shall be  
 7 deducted and retained in equal semiannual installments out of such  
 8 salary.

[C. C. 4092, 4100.]

1     **SEC. 6. Who entitled to pension—conditions of retirement.** Any  
 2 member of said departments who shall have served twenty-two (22)  
 3 years or more in such department, and shall have reached the age of  
 4 fifty (50) years; or who shall while a member of such department  
 5 become mentally or physically permanently disabled from discharging  
 6 his duties, shall be entitled to be retired, and upon retirement shall  
 7 be paid out of the pension fund of such department a monthly pension  
 8 equal to one-half ( $\frac{1}{2}$ ) the amount of salary received by him monthly  
 9 at the date he actually retires from said department. If any member  
 10 shall have served twenty-two (22) years in said department, but shall  
 11 not have reached the aged of fifty (50) years, he shall be entitled to  
 12 retirement, but no pension shall be paid while he lives until he reaches  
 13 the age of fifty (50) years.

[S. C. C. 4093, 4101.]

1     **SEC. 7. Disability—how contracted.** No member who has not  
 2 served five (5) years or more in said department shall be entitled to  
 3 be retired and paid a pension under the provisions of this chapter,  
 4 unless such disability was contracted while engaged in the perform-  
 5 ance of his duties, or by reason of following such occupation. The  
 6 question of disability shall be determined by the trustees upon the  
 7 advice of a physician appointed by the board of trustees for that  
 8 purpose. After any member shall become entitled to be retired, such  
 9 right shall not be lost or forfeited by discharge or for any other reason  
 10 except conviction for felony.

[S. C. C. 4093, 4101.]

1     **SEC. 8. Retired members may be assigned for light duty.** The  
 2 chief of the police department, and the chief of the fire department  
 3 of such city, may assign any member of such departments, respec-  
 4 tively, retired or drawing pensions under the provisions of this chap-  
 5 ter, to the performance of light duties in such department.

[S. C. C. 4093, 4101.]

1     **SEC. 9. Pensions—widow—children—dependents.** Upon the death  
 2 of any acting or retired member of such departments, leaving a widow  
 3 or minor children, or dependent father or mother surviving him,  
 4 there shall be paid out of said fund as follows:

- 5     1. To the surviving widow, so long as she remains unmarried and  
 6 of good moral character, thirty dollars (\$30.00) per month.
- 7     2. If there be no surviving widow, or upon the death or remarriage  
 8 of such widow, then to his dependent father and mother, if both sur-  
 9 vive, or to either dependent parent, if one survives, thirty dollars  
 10 (\$30.00) per month.

11 3. To the guardian of each surviving child under sixteen (16)  
12 years of age, eight dollars (\$8.00) per month.

13 The aggregate of all such payments shall not exceed one-half ( $\frac{1}{2}$ )  
14 of the amount of the salary of such member at the time of his death  
15 or retirement.

[S. C. C. 4093, 4101.]

1 SEC. 10. **Exemption.** All pensions paid under the provisions of  
2 this chapter shall be exempt from liability for debts of the person to  
3 or on account of whom the same is paid, and shall not be subject to  
4 seizure upon execution or other process.

[S. C. C. 4093, 4101.]

1 SEC. 11. **Applicable to volunteer or call firemen.** The provisions  
2 of this chapter shall apply to volunteer or call members of a paid fire  
3 department, but the amount of pension to be paid to such members  
4 shall be determined by the board of trustees.

[S. C. C. 4093.]

1 SEC. 12. **Re-examination of retired members.** The board of trus-  
2 tees of each department shall have power, at any time, to cause any  
3 member of such department retired by reason of physical or mental  
4 disability to be brought before it and again examined by competent  
5 physicians for the purpose of discovering whether such disability yet  
6 continues and whether such retired member should be continued on  
7 the pension roll, and shall have power to examine witnesses for the  
8 same purpose. Such member shall be entitled to reasonable notice  
9 that such examination will be made, and to be present at the time  
10 of the taking of any testimony, shall have the right to examine the  
11 witnesses brought before the board and to introduce evidence in his  
12 own behalf. All witnesses shall be examined under oath, which may  
13 be administered by any member of such board.

[C. C. 4094, 4102.]

1 SEC. 13. **Decision of board.** The decision of such board upon such  
2 matters shall be final and conclusive, in the absence of fraud, and no  
3 appeal shall be allowed therefrom. Such disabled member shall remain  
4 upon the pension roll unless and until reinstated in such department  
5 by reason of such examination.

[C. C. 4094, 4102.]

1 SEC. 14. **Provisions subject to alteration.** The provisions of this  
2 chapter shall be, at all times, subject to alteration or change, and all  
3 persons claiming benefits under the provisions of this chapter shall  
4 be entitled to receive only such benefits as provided by law at the  
5 time such benefits shall accrue.

[C. C. 4095, 4103.]

1 SEC. 15. **Moneys drawn—how paid—report.** All pensions paid and  
2 all moneys drawn from the pension fund under the provisions of this  
3 chapter shall be upon warrants signed by the appropriate board of  
4 trustees, which warrants shall designate the name of the person and  
5 the purpose for which payment is made. The treasurer shall prepare  
6 annually, immediately after the first day of January, and file with  
7 the city clerk a report for each fund of the receipts and expenditures

8 for the year ending December thirty-first of the previous year, show-  
9 ing the money on hand, how invested, all moneys received and paid out.

[C. C. 4096, 4105.]

1     **SEC. 16. City marshal.** Service by any member of the police de-  
2 partment as city marshal shall not deprive him of any rights under  
3 this chapter. In any matter in which said city marshal shall be  
4 individually interested and which requires the action of the board  
5 of trustees of the policemen's pension fund, he shall not act as a  
6 member of said board, but the mayor of the city shall act with the  
7 other two (2) trustees of the board with respect thereto. Upon the  
8 termination of his term as city marshal, he shall regain the rank he  
9 held in the police department at the time of his appointment as city  
10 marshal.

[C. C. 4104.]

Approved April 4, A. D. 1923.

## CHAPTER 262

### FAILURE OF CONSIDERATION OF WRITTEN CONTRACTS

H. F. 204

AN ACT to amend, revise and codify section fifty-eight hundred ninety-seven (5897) of the compiled code of Iowa, relating to the consideration of written contracts.

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

That section fifty-eight hundred ninety-seven (5897) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SECTION 1. Failure of consideration.** The want or failure, in whole  
2 or in part, of the consideration of a written contract may be shown  
3 as a defense, total or partial, except as provided in the negotiable  
4 instruments law.

[C. C. 5897, modified.]

Approved February 15, A. D. 1923.

## CHAPTER 263

## INSURANCE

H. F. 206

AN ACT to amend, revise, and codify section five thousand four hundred seventy-eight (5478) of the supplement to the compiled code of Iowa, relating to life insurance companies.

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

That section five thousand four hundred seventy-eight (5478) of the supplement to the compiled code of Iowa is amended, revised and codified to read as follows:

**SECTION 1. Capital and surplus—deposit—general regulations.**

1 Stock companies organized to transact business under the provisions  
2 of chapter two (2) title 18 of the compiled code, shall have not less  
3 than one hundred thousand dollars (\$100,000.00) of capital stock paid  
4 up in cash and when first authorized to write insurance shall have  
5 a cash surplus in an amount equal to twenty-five (25) per cent of the  
6 paid-up capital stock, which capital stock shall be invested as pro-  
7 vided by section five thousand five hundred thirty-two (5532) of the  
8 compiled code, and such securities shall be deposited with the com-  
9 missioner of insurance and when such deposit is made and evidence  
10 furnished, by affidavit or otherwise, satisfactory to the commissioner  
11 that the capital stock is all fully paid and the company possessed of  
12 the surplus required and that the company is the actual and un-  
13 qualified owner of the securities representing the paid-up capital stock  
14 or other funds of the company, and all laws have been complied with,  
15 he shall issue to such company the certificate hereinafter provided  
16 for. No part of the capital or other funds shall be loaned directly  
17 or indirectly to any officer, director, stockholder or employee of the  
18 company or directly or indirectly to any relative of any officer or  
19 director of such company. No such company shall make any loan  
20 upon its own stock as collateral, or directly or indirectly make any  
21 loan to or invest any of its funds in the property of any corporation,  
22 firm, association or trustees of which any officer or director of the  
23 insurance company is also an officer, director, stockholder, member  
24 or trustee of such other corporation, firm, association, or trustees.

Approved March 17, A. D. 1923.

## CHAPTER 264

## JUDGES OF COURTS OF RECORD

S. F. 223

AN ACT to amend, revise and codify section sixty-nine hundred sixty-seven (6967) of the compiled code of Iowa, relating to judges.

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

That section sixty-nine hundred sixty-seven (6967) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. **Judges—eligibility—not to practice law.** No person  
2 shall be eligible to the office of judge of a court of record who is not,  
3 at the time of his election, an attorney at law, duly admitted to prac-  
4 tice under the laws of this state. During the time that he is holding  
5 such office he shall not practice as an attorney or counselor or give  
6 advice in relation to any action pending or about to be brought in any  
7 of the courts of the state. Nothing contained in this section shall be  
8 construed to prohibit police court judges from practicing as attorneys  
9 and counselors in civil matters.

[C. C. 6967, modified.]

Approved February 15, A. D. 1923.

## CHAPTER 265

## COURTS OF CONCILIATION

H. F. 224

AN ACT to amend chapter four (4) of title twenty-eight (28) of the compiled code of Iowa, relating to judges and courts, and rules for conciliation of certain controversies.

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

That chapter four (4) of title twenty-eight (28) of the compiled code of Iowa is amended by adding thereto the following:

1 SECTION 1. **Rules for conciliation—conciliators.** The judges of the  
2 district court for their districts, the judges of the superior court for  
3 their districts, and the judges of the municipal court for their dis-  
4 tricts may adopt and enforce rules prescribing the manner of settle-  
5 ment of controversies by conciliation and the duties of the clerks of  
6 the several courts in respect thereto; may appoint conciliators or any  
7 judge may act as such, but no judge shall preside at the trial of any  
8 action involving a controversy in which he has acted as conciliator.

[New.]

1 SEC. 2. **Procedure.** No party shall be represented by counsel, ex-  
2 cept by consent of the conciliator. The proceedings shall be informal

3 and no record thereof shall be preserved except the agreement of  
4 settlement signed by the parties. The judge may direct the same to  
5 be filed in the office of the clerk and judgment to be entered thereon.

[New.]

1 **SEC. 3. Bar to action—exceptions.** In districts in which rules for  
2 conciliation are adopted and the conciliators appointed, no person may  
3 maintain an action for the recovery of a disputed claim of one hun-  
4 dred (\$100.00) dollars, or less unless he alleges and proves by certifi-  
5 cate of the conciliator that he has made a good faith effort to settle  
6 the controversy. This section shall not apply to suits aided by attach-  
7 ment, or to enforce a lien, or for replevin, or upon written contracts  
8 when due, or in cases where the petition states that the defendant  
9 is about to change his residence from the county, or where either  
10 party to the controversy is a nonresident of the county in which the  
11 conciliator is acting.

1 **SEC. 4. Speedy determination certain causes.** Such judges shall  
2 adopt rules for the speedy determination of causes involving com-  
3 paratively small amounts as stated in such rules, and the clerks shall  
4 enter such causes upon a separate short cause calendar. It shall be  
5 the duty of the court to set aside a day or days each week when such  
6 causes will be heard. Before entering upon the trial of any such cause,  
7 the judge or court will, if practicable, bring the parties together and  
8 endeavor to secure a settlement thereof by conciliation or arbitration.

[New.]

Approved April 20, A. D. 1923.

## CHAPTER 266

### CLERK OF DISTRICT COURT

S. F. 225

AN ACT to amend, revise and codify sections six thousand nine hundred seventy-two (6972), six thousand nine hundred eighty (6980), and six thousand nine hundred eighty-two (6982) of the compiled code of Iowa, relating to the clerk of the district court.

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

That section six thousand nine hundred seventy-two (6972) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Office—duties.** The clerk of the district court shall  
2 keep his office at the county seat, attend the sessions of the district  
3 court himself or by deputy, keep the records, papers and seal, and  
4 record the proceedings of the court as hereinafter directed, under the  
5 direction of the judge.

[C. C. 6972.]

1 **SEC. 2. Clerk to notify parties of payment of money.** When money  
2 to the amount of five hundred dollars (\$500.00) or more is paid to

3 the clerk to be paid to any person, and not disbursed within thirty  
 4 days, he shall notify the person entitled to receive such money, or for  
 5 whose account the money is paid or the attorney of record of such  
 6 person. The notice shall be by registered mail, and shall be mailed  
 7 within forty (40) days from the receipt of the money, to the last  
 8 address of the person or attorney known to the clerk, and memo-  
 9 randum thereof entered on the proper record. If the clerk fails to  
 10 give said notice, he and his bondsmen shall be personally liable for  
 11 interest on such money from the date of the receipt thereof by him  
 12 to the date the same is paid to the person or attorney.

[New.]

That section six thousand nine hundred eighty (6980) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 3. Change in title certified to auditor.** Where the title of any  
 2 real estate is finally established in any person or persons by judgment  
 3 or decree of said court or of the supreme court, or where title to real  
 4 estate is changed by judgment, decree, will, proceeding or order in  
 5 probate, the clerk of the district court shall certify the same, under  
 6 the seal of said court, to the county auditor of the county in which  
 7 said land is located.

[C. C. 6980.]

That section six thousand nine hundred eighty-two (6982) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 4. Fees.** The clerk of the district court shall charge and  
 2 collect the following fees, all of which shall be paid into the county  
 3 treasury:  
 4 1. For filing any petition, appeal or writ of error and docketing  
 5 the same, one dollar and fifty cents (\$1.50).  
 6 2. For every attachment, fifty cents (50c).  
 7 3. For every cause tried by jury, one dollar and fifty cents (\$1.50).  
 8 4. For every cause tried by the court, seventy-five cents (75c).  
 9 5. For every equity case, one dollar and fifty cents (\$1.50).  
 10 6. For each injunction or other extraordinary process or order,  
 11 one dollar (\$1.00).  
 12 7. For all causes continued on application of a party by affidavit,  
 13 fifty cents (50c).  
 14 8. For all other continuances, fifteen cents (15c).  
 15 9. For entering any final judgment or decree, seventy-five cents  
 16 (75c).  
 17 10. For taxing costs, fifty cents (50c).  
 18 11. For issuing execution or other process after judgment or de-  
 19 cree, fifty cents (50c).  
 20 12. For filing and properly entering and indorsing each mechanic's  
 21 lien, one dollar (\$1.00), and in case a suit is brought thereon, the same  
 22 to be taxed as other costs in the action.  
 23 13. For certificate and seal, fifty cents (50c).  
 24 14. For filing and docketing transcript of judgment from another  
 25 county or a justice of the peace or municipal court, fifty cents (50c).  
 26 15. For entering any rule or order, twenty-five cents (25c).  
 27 16. For issuing writ or order, not including subpoenas, fifty  
 28 cents (50c).  
 29 17. For issuing commission to take depositions, fifty cents (50c).

- 30 18. For entering sheriff's sale of real estate, fifty cents (50c).  
31 19. For entering judgment by confession, one dollar (\$1.00).  
32 20. For entering satisfaction of any judgment, twenty-five cents  
33 (25c).  
34 21. For all copies of record, or papers filed in his office, transcripts,  
35 and making complete record, ten cents (10c) for each one hundred  
36 (100) words.  
37 22. For taking and approving a bond and sureties thereon, fifty  
38 cents (50c).  
39 23. For declaration of intention by an alien to become a citizen,  
40 twenty-five cents (25c).  
41 24. For all services on naturalization of aliens, including oaths  
42 and certificates, fifty cents (50c).  
43 25. For certificates and seal to applications to procure pensions,  
44 bounties or back pay for soldiers or other persons entitled thereto,  
45 no charge.  
46 26. For making out transcripts in criminal cases appealed to the  
47 supreme court, for each one hundred (100) words, ten cents (10c).  
48 27. In criminal cases, the same fees for same services as in suits  
49 between private parties. When judgment is rendered against the  
50 defendant, the fees shall be collected from such defendant.  
51 28. For issuing marriage licenses, one dollar fifty cents (\$1.50)  
52 each.  
53 29. For all services performed in the settlement of the estate of  
54 any decedent, minor, insane person, or other persons laboring under  
55 any legal disability, except where actions are brought by the adminis-  
56 trator, guardian, trustee or person acting in a representative capacity  
57 or against him, or as may be otherwise provided herein, where the  
58 value of the property of the estate does not exceed three thousand  
59 dollars (\$3,000.00), three dollars (\$3.00); where such value is between  
60 three thousand dollars (\$3,000.00) and five thousand dollars  
61 (\$5,000.00), five dollars (\$5.00); where such value is between five  
62 thousand dollars (\$5,000.00) and seven thousand dollars (\$7,000.00),  
63 eight dollars (\$8.00); where such value is between seven thousand  
64 dollars (\$7,000.00) and ten thousand dollars (\$10,000.00), ten dollars  
65 (\$10.00); where such value is between ten thousand dollars  
66 (\$10,000.00) and twenty-five thousand dollars (\$25,000.00), fifteen  
67 dollars (\$15.00); for each additional twenty-five thousand dollars  
68 (\$25,000.00) or major fraction thereof, there shall be taxed the  
69 further sum of ten dollars (\$10.00).  
70 30. In addition to all other fees, for making a complete record in  
71 cases where the same is required by law or directed by an order of  
72 the court, for every one hundred (100) words, ten cents (10c).

[C. C. 6982, modified.]

Approved March 29, A. D. 1923.



## CHAPTER 267

## PARTIES TO ACTIONS

H. F. 226

AN ACT to amend, revise and codify section seven thousand eighty-five (7085) of the compiled code of Iowa, relating to parties to actions.

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

That section seven thousand eighty-five (7085) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. **Plaintiffs joined.** All persons having an interest in  
2 the subject of the action, and in obtaining the relief demanded, may  
3 join as plaintiffs, except as otherwise provided. Where two (2) or  
4 more persons claim a right of recovery against the same party or  
5 parties on like causes of action cognizable in equity, they may join  
6 as parties plaintiff, and relief may be granted to each according to  
7 his interest.

[C. C. 7085, modified.]

Approved March 9, A. D. 1923.

## CHAPTER 268

## INSTRUCTIONS

H. F. 232

AN ACT to amend, revise, and codify sections seven thousand five hundred (7500) to seven thousand five hundred five (7505), inclusive, of the compiled code of Iowa, relating to instructions.

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

That sections seven thousand five hundred (7500) to seven thousand five hundred five (7505), inclusive, of the compiled code of Iowa are amended, revised, and codified to read as follows:

1 SECTION 1. **Instructions requested.** At the conclusion of the evi-  
2 dence, any party may file with the clerk and present to the court con-  
3 secutively numbered instructions to the jury on points of law with  
4 the request that they be given. The court may at any time before  
5 final submission of the case to the jury grant leave to any party to  
6 file a request for the giving of additional instructions.

[C. C. 7500, modified.]

1 SEC. 2. **Duty of the court as to instructions asked.** The court shall  
2 either give or refuse to give, or modify and give the instructions  
3 requested and make a memorandum of the decision on the margin  
4 thereof. If the court give any instruction with a modification, the  
5 same shall not be indicated on the instruction requested by inter-

6 lineation or erasure but shall follow some such characterizing words  
7 as "changed thus", indicating that the same was refused as requested.  
[C. C. 7500, 7502, 7504; modified.]

1 **SEC. 3. Instructions given by the court.** The court shall instruct  
2 the jury as to the law applicable to all the material issues in the case  
3 and such instructions shall be in writing and in consecutively num-  
4 bered paragraphs and shall be read to the jury without oral or other  
5 comment or explanation.

[C. C. 7500, 7504, modified.]

1 **SEC. 4. Record.** All instructions requested or given shall be filed  
2 by the clerk and be a part of the record.

[C. C. 7503, modified.]

1 **SEC. 5. Instructions—exceptions.** Any party may take and file  
2 exceptions to the instructions of the court or any part of the instruc-  
3 tions given or to the refusal to give any instructions as requested  
4 within five (5) days after the verdict in the cause is filed or within  
5 such further time as the court may allow and may include the same  
6 or any part thereof in a motion for a new trial, but all such exceptions  
7 shall specify the part of the instructions as excepted to, or of the  
8 instructions requested and refused and the grounds of such exceptions.

[C. C. 7501, 7505, modified.]

Approved March 8, A. D. 1923.

## CHAPTER 269

### COSTS

H. F. 233

AN ACT to amend, revise and codify section seven thousand six hundred fourteen (7614) of the compiled code of Iowa, relating to costs.

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

That section seven thousand six hundred fourteen (7614) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Recoverable by successful party.** Costs shall be recov-  
2 ered by the successful against the losing party. The losing party,  
3 however, shall not be assessed with the cost of mileage of any wit-  
4 ness for a distance of more than one hundred (100) miles from  
5 the place of trial, unless otherwise ordered by the court at the time  
6 of entering judgment.

[C. C. 7614, modified.]

1 **SEC. 2. Apportioning costs.** Where the party is successful as to  
2 a part of his demand, and fails as to part, unless the case is otherwise

3 provided for, the court on rendering judgment may make an equitable  
4 apportionment of costs.

[C. C. 7614.]

Approved February 19, A. D. 1923.

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## CHAPTER 270

### PROBATE COURT

S. F. 235

AN ACT to provide for a change of venue in probate proceedings and the manner of transferring the same.

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

1 **SECTION 1. Transfer of proceedings in probate.** That in any pro-  
2 ceeding in probate the court may, on written showing, supported by  
3 affidavit and on such notice to interested parties as the court may  
4 prescribe, transfer such proceeding to any other county, when it is  
5 made to appear that such transfer will be in furtherance of justice,  
6 and the same shall thereupon be pending in such other county.

1 **SEC. 2. Duty of clerk.** The clerk of the court ordering the transfer  
2 shall retain the original files and papers, but shall make a certified  
3 copy thereof, and of all record entries pertaining to the proceedings,  
4 and at once file the same in the office of the clerk of the court to which  
5 the transfer has been made.

1 **SEC. 3. Record required.** The clerk of the court to which the  
2 proceedings are transferred shall record at length, in the probate  
3 records of his county, the certified copy of the record entries referred  
4 to in the preceding section.

Approved February 16, A. D. 1923.

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## CHAPTER 271

### FORCIBLE ENTRY OR DETENTION

S. F. 243

AN ACT to amend, revise and codify sections eighty hundred eighty-seven (8087) and eighty hundred eighty-nine (8089) of the compiled code of Iowa, relating to forcible entry or detention of real property.

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

That eighty hundred eighty-seven (8087) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Grounds.** A summary remedy for forcible entry or  
2 detention of real property is allowable:

- 3 1. Where the defendant has by force, intimidation, fraud or stealth  
 4 entered upon the prior actual possession of another in real property,  
 5 and detains the same.  
 6 2. Where the lessee holds over after the termination of his lease.  
 7 3. Where the lessee holds contrary to the terms of his lease.  
 8 4. Where the defendant continues in possession after a sale by  
 9 foreclosure of a mortgage, or on execution, unless he claims by a title  
 10 paramount to the lien by virtue of which the sale was made, or by  
 11 title derived from the purchaser at the sale; in either of which cases  
 12 such title shall be clearly and concisely set forth in the defendant's  
 13 pleading.  
 14 5. For the nonpayment of rent, when due.  
 [C. C. 8087.]

That section eighty hundred eighty-nine (8089) of the compiled code of Iowa is amended, revised and codified to read as follows:

- 1 SEC. 2. Notice to quit. Before action can be brought in any except  
 2 the first of the above classes, three (3) days' notice to quit must be  
 3 given to the defendant in writing. When the tenancy is at will and  
 4 the action is based on the ground of the nonpayment of rent when  
 5 due, no notice of the termination of the tenancy other than the three  
 6 (3) day notice need be given before beginning the action.

[C. C. 8089.]

Approved February 16, A. D. 1923.

## CHAPTER 272

### ILLEGITIMATE CHILDREN

H. F. 244

AN ACT to amend, revise and codify section eight thousand three hundred sixty-six (8366) of the compiled code of Iowa, relating to the paternity of illegitimate children.

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

That section eight thousand three hundred sixty-six (8366) of the compiled code of Iowa is amended, revised and codified to read as follows:

- 1 SECTION 1. Judgment and execution—costs. If the accused be  
 2 found guilty, he shall be charged with the maintenance of the child  
 3 in such sum or sums, and in such manner, as the court shall direct,  
 4 and with the costs of the action; and the clerk may immediately issue  
 5 execution for any sum ordered to be paid, and afterward, from time  
 6 to time, as it shall be required to compel compliance with the order of  
 7 the court. If the accused be found not guilty, the costs of the action  
 8 shall be paid by the county.

[C. C. 8366, modified.]

Approved February 19, A. D. 1923.

## CHAPTER 273

## LARCENY

H. F. 248

AN ACT to amend, revise and codify section eighty-six hundred forty-five (8645) of the compiled code of Iowa, relating to larceny and punishment therefor.

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

That section eighty-six hundred forty-five (8645) of the compiled code of Iowa is amended, revised and codified to read as follows:

1     **SECTION 1. Larceny defined—punishment.** If any person steal,  
2 take and carry away of the property of another any money, goods or  
3 chattels, including all domesticated or restrained animals; any writ,  
4 process or public record; any bond, bank note, promissory note, bill  
5 of exchange or other bill, or order or certificate; or any book of  
6 accounts respecting money, goods or other things; or any deed or  
7 writing containing a conveyance of real estate; or any contract in  
8 force; or any receipt, release or defeasance; or any instrument or  
9 writing whereby any demand, right or obligation is created, increased,  
10 extinguished or diminished, he is guilty of larceny. When the value  
11 of the property stolen exceeds twenty dollars (\$20.00), he shall be  
12 punished by imprisonment in the penitentiary not more than five (5)  
13 years or in the county jail not more than one (1) year, or by fine  
14 of not more than one thousand dollars (\$1,000.00) or by both such  
15 fine and imprisonment. When the value does not exceed twenty dol-  
16 lars (\$20.00), by fine not exceeding one hundred dollars (\$100.00) or  
17 imprisonment in the county jail not exceeding thirty (30) days.

[C. C. 8645, modified.]

1     **SEC. 2. Larceny of motor vehicle.** If any person steal, take and  
2 carry away, irrespective of value, any motor vehicle, as defined in the  
3 next section, he shall be punished by imprisonment in the penitentiary  
4 not more than ten (10) years, or by fine of not more than one thou-  
5 sand dollars (\$1,000.00) or by both such fine and imprisonment.

[New.]

1     **SEC. 3. Motor vehicle defined.** The term "motor vehicle" as used  
2 in the preceding and following sections includes any automobile, auto-  
3 mobile truck, automobile wagon, automobile tractor, motorcycle or  
4 any other self-propelled vehicle not designed for running on rails.

[New.]

1     **SEC. 4. Jurisdiction.** Jurisdiction of such offense may be in the  
2 county where such motor vehicle was stolen, or through or into which  
3 it was taken, carried or transported by the person or persons who com-  
4 mitted the theft or by any person or persons confederated with him  
5 or them in such theft.

[New.]

1     **SEC. 5. Disguising, receiving, concealing or disposing of stolen**  
2 **motor vehicle.** Whoever shall, with intent to assist, aid or abet in  
the theft of any such motor vehicle or any part thereof, or with intent

3 to deprive the owner thereof, or prevent him from identifying or  
 4 recovering the same, shall disguise, alter or change such stolen motor  
 5 vehicle, or change or remove any license tag thereon, or serial or  
 6 factory number, engine number, or the name of the manufacturer  
 7 thereof, or the color thereof, or with such intent shall receive, con-  
 8 ceal, store, barter, sell or dispose of any such motor vehicle, or any  
 9 part thereof, knowing or having reason to believe it has been stolen,  
 10 shall be punished by imprisonment in the penitentiary not more than  
 11 ten (10) years or by fine of not more than one thousand dollars  
 12 (\$1,000.00), or by both such fine and imprisonment.

[New.]

1 **SEC. 6. Jurisdiction.** Jurisdiction of any offense under the pre-  
 2 ceding section shall be in any county in which any part of the act or  
 3 acts constituting the offense charged was committed.

[New.]

1 **SEC. 7. Presumptive evidence.** Whoever shall conceal, barter, sell  
 2 or dispose of any motor vehicle which has been stolen, or shall dis-  
 3 guise, alter or change such motor vehicle or the factory or serial  
 4 number thereof, or remove or change the license tag thereon, or do  
 5 any act designed to prevent identification of such motor vehicle, shall  
 6 be presumed to have knowledge that such motor vehicle had been  
 7 stolen.

[New.]

Approved March 15, A. D. 1923.

## CHAPTER 274

### LASCIVIOUS ACTS

S. F. 249

AN ACT to amend, revise and codify section eighty-eight hundred three (8803) of the compiled code of Iowa, relating to immoral and lascivious acts with or in the presence of children.

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

That section eighty-eight hundred three (8803) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Lewd, immoral and lascivious acts with children.** Any  
 2 person over eighteen (18) years of age who shall wilfully commit any  
 3 lewd, immoral or lascivious act in the presence, or upon or with the  
 4 body or any part or member thereof, of a child of the age of thirteen  
 5 (13) years, or under, with the intent of arousing, appealing to, or  
 6 gratifying the lust or passions or sexual desires of such person, or of  
 7 such child, or of corrupting the morals of such child, shall be pun-  
 8 ished by imprisonment in the penitentiary not more than three (3)

9 years, or by imprisonment in the county jail not more than six  
10 (6) months, or by fine not exceeding five hundred dollars (\$500.00).

[C. C. 8803, modified.]

Approved February 10, A. D. 1923.

See chapter 214.

## CHAPTER 275

### REPORTS OF PUBLIC OFFICERS

#### PUBLIC PRINTING

S. F. 255

AN ACT to amend, revise, and codify sections one hundred (100), one hundred one (101), and two hundred seventy-five (275) of the compiled code of Iowa, and sections two hundred forty-one-a twenty-one (241-a21), two hundred forty-one-a twenty-nine (241-a29), two hundred forty-one-a thirty (241-a30), two hundred forty-one-a fifty-five (241-a55), two hundred forty-one-a sixty-two (241-a62), two hundred forty-one-a sixty-three (241-a63), two hundred forty-one-a sixty-four (241-a64), two hundred forty-one-a sixty-six (241-a66), two hundred forty-one-a sixty-eight (241-a68), two hundred forty-one-a seventy-four (241-a74), and two hundred forty-seven-a three (247-a3) of the supplement to said code, relating to reports of public officers, to the printing thereof, and to the duration of contracts for public printing.

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

That sections one hundred (100) and one hundred one (101) of the compiled code of Iowa are amended, revised, and codified to read as follows:

1 SECTION 1. **Iowa official register.** The secretary of state shall, in  
2 odd-numbered years, compile for publication the Iowa official register  
3 which shall contain historical, political and other statistics of general  
4 value, but nothing of a partisan character.

[C. C. 100, modified.]

That section two hundred forty-one-a thirty (241-a30) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

1 SEC. 2. **Paper.** The board may contract for paper as part of the  
2 printing or may purchase paper and furnish the same to the contrac-  
3 tor. All paper purchased for use of the state shall, when practicable,  
4 have a distinguishing mark or water line by which it can be identified.

[C. C. 259; S. C. C. 241-a30.]

1 SEC. 3. **Paper account.** The board shall keep an accurate account  
2 with any one doing printing for the state, and charge him with the  
3 value of all paper drawn, and credit him with all paper used on behalf  
4 of the state, and compel an accounting for all paper not so used.

[C. C. 263.]

That sections two hundred forty-one-a sixty-two (241-a62), two hundred forty-one-a sixty-three (241-a63), two hundred forty-one-a sixty-four (241-a64) and two hundred forty-one-a sixty-six (241-a66) of the supplement to the compiled code of Iowa are amended, revised, and codified to read as follows:

1     **SEC. 4. Official reports made to governor.** All official reports shall  
2 be made to the governor unless otherwise provided.

[New.]

1     **SEC. 5. Biennial reports—time covered and date of filing.** Reports  
2 of the following officials and departments shall cover the biennial  
3 period ending June thirtieth in each even-numbered year, and shall  
4 be filed as soon as practicable after the end of the reporting period:

- 5       1. Secretary of state relative to corporations.
- 6       2. Auditor of state on fiscal condition of state.
- 7       3. Auditor of state on biennial expenditures.
- 8       4. Treasurer of state as to state of the treasury.
- 9       5. Superintendent of public instruction.
- 10      6. Board of control.
- 11      7. Board of education.
- 12      8. Board of health and safety.
- 13      9. Board of parole.
- 14      10. Live stock sanitary board.
- 15      11. Printing board.
- 16      12. Industrial commissioner.
- 17      13. Commissioner of labor.
- 18      14. Curators of historical society.
- 19      15. Curator of historical, memorial, and art department.
- 20      16. State librarian.
- 21      17. Library commission.
- 22      18. Custodian of public buildings and grounds.
- 23      19. Fish and game warden.
- 24      20. Adjutant general.

[S. C. C. 241-a62, 241-a64, modified.]

1     **SEC. 6. Annual reports—time covered and date of filing.** Reports  
2 of the following officials and departments shall cover the year ending  
3 December thirty-first of each year, and shall be filed as soon as prac-  
4 ticable after said date.

- 5       1. Commissioner of insurance.
- 6       2. Weather and crop service.
- 7       3. Apiarist.
- 8       4. Horticultural society.
- 9       5. State geologist.
- 10      6. Fire marshal.
- 11      7. Board of accountancy.
- 12      8. Board of examining engineers.
- 13      9. Inspector of passenger boats.

[S. C. C. 241-a63, modified.]

1     **SEC. 7. Governor.** The biennial report of the governor to the  
2 general assembly on reprieves, commutations, pardons, and remission  
3 of fines and forfeitures shall cover the two (2) years ending with  
4 December thirty-first immediately preceding the convening of the



5 general assembly in regular session and shall be filed as soon as prac-  
6 ticable after said date.

[S. C. C. 241-a62, modified.]

1 SEC. 8. **Attorney general.** The biennial report of the attorney  
2 general shall cover the period of his regular term and shall be filed  
3 as soon as practicable after the expiration of said term and not later  
4 than February first.

[S. C. C. 241-a66, modified.]

1 SEC. 9. **Auditor of state on municipal finances.** The annual report  
2 of the auditor of state on municipal finances shall cover the year  
3 ending March thirty-first preceding the filing of the report, and shall  
4 be filed as soon as possible after said date and not later than September  
5 first.

[S. C. C. 241-a66, modified.]

1 SEC. 10. **Superintendent of banking.** The annual report of the  
2 superintendent of banking shall cover the year ending June thirtieth  
3 of each year, and shall be filed as soon as practicable after said date  
4 and not later than September first.

[S. C. C. 241-a63, modified.]

1 SEC. 11. **Highway commission.** The annual report of the state  
2 highway commission shall cover the year ending December thirty-first  
3 and shall be filed not later than January fifteenth of each year, pro-  
4 vided the summary report of county highway engineers may be filed  
5 on a date not later than February first.

[S. C. C. 241-a63, modified.]

1 SEC. 12. **Board of railroad commissioners.** The annual report of  
2 the board of railroad commissioners shall, as to all statistical data,  
3 cover the year ending December thirty-first preceding the filing of  
4 the report, and the proceedings of the board to date of filing the  
5 report each year. Said report shall be filed on or before December first.

[S. C. C. 241-a63, modified.]

1 SEC. 12-a1. **Mine inspectors.** The report of the mine inspectors-  
2 shall cover the biennial period ending December thirty-first (31st)  
3 of each odd-numbered year, and shall be filed on or before August  
4 fifteenth (15th) following the end of said reporting period.

[S. C. C. 732, modified.]

1 SEC. 12-a2. **Delay in filing report.** Should the governor deem the  
2 delay in filing a report to be unreasonable he shall take such steps as  
3 will correct the delinquency.

[New.]

That section two hundred forty-one-a seventy-four (241-a74) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

1 SEC. 13. **Miscellaneous documents.** There shall be published,  
2 printed and bound uniform with the official reports unless otherwise  
3 provided and for the periods indicated, the following miscellaneous  
4 documents, each of which shall be compiled by the head or secretary  
5 of the department or association having charge thereof:

- 6 1. Iowa year book of agriculture, annually.
- 7 2. Iowa official register, biennially.
- 8 3. Assessments by executive council relative to public utilities,
- 9 annually.
- 10 4. Census, when taken and compiled.
- 11 5. Proceedings of Iowa state dairy association, annually.
- 12 6. Proceedings of state teachers association, annually.
- 13 7. Proceedings of Iowa academy of science, annually.
- 14 8. Proceedings of pioneer law makers association, biennially.

[S. C. C. 241-a74, modified.]

- 1 **SEC. 14. Disposal of reports.** Reports after being filed with the
- 2 governor and considered by him, shall be delivered to the superin-
- 3 tendent of printing.

[New.]

That section two hundred forty-seven-a three (247-a3) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

- 1 **SEC. 15. Biennial report.** The custodian shall, at the time provided
- 2 by law, make a verified report which shall cover all transactions for
- 3 the preceding biennial period and show in detail:
- 4 1. All expenditures made on account of the department of public
- 5 buildings and property.
- 6 2. The condition of all real and personal property of the state
- 7 under his care or control, together with a report of any loss or de-
- 8 struction, or injury to any such property, with the causes thereof.
- 9 3. The measures necessary for the care and preservation of the
- 10 property under his control.
- 11 4. Any recommendations as to methods which would tend to ren-
- 12 der the public service more efficient and economical.
- 13 5. Any other matter ordered by the governor.

[S. C. C. 247-a3, modified.]

That section two hundred seventy-five (275) of the compiled code of Iowa, and section two hundred forty-one-a fifty-five (241-a55) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

- 1 **SEC. 16. Distribution of biennial report of expenditures.** The
- 2 biennial report of expenditures shall be distributed as follows:
- 3 To each member of the general assembly.....15 copies
- 4 To each state officer, member of board or commission..... 1 copy
- 5 To each public, free and college library in the state..... 1 copy
- 6 To state library.....10 copies
- 7 To state historical department..... 5 copies
- 8 To each county auditor, treasurer and clerk of the district
- 9 court ..... 1 copy
- 10 To each newspaper in the state..... 1 copy
- 11 The remaining copies in excess of the reserve list shall be otherwise
- 12 distributed as provided by law.

[C. C. 275.]

1     **SEC. 17. General distribution.** The superintendent may send addi-  
2     tional copies of publications to other state officials, individuals, institu-  
3     tions, libraries, or societies that may make request therefor.

[S. C. C. 241-a55.]

That section two hundred forty-one-a twenty-one (241-a21) of the supplement to the compiled code of Iowa be amended, revised, and codified to read as follows:

1     **SEC. 18. Duration of contract.** Contracts for printing and for  
2     work and material relating thereto shall be for a period not exceeding  
3     three (3) years. The present contract for printing and binding the  
4     Iowa Supreme Court Reports may be extended for a period not exceed-  
5     ing three years from the date of said contracts.

[S. C. C. 241-a21, modified.]

That section two hundred forty-one-a twenty-nine (241-a29) of the supplement to the compiled code of Iowa be amended, revised and codified to read as follows:

1     **SEC. 19. Emergency contracts.** The board may at any time award  
2     a special contract or may authorize its assistants as designated in  
3     section two hundred forty-one-a twenty-six (241-a26) of this supple-  
4     ment to award a special contract for any work or material coming  
5     within the provisions of this and the two following chapters of this  
6     title but not included in contracts already in existence, or which can-  
7     not properly be made the subject of a general contract, if the amount  
3     of each such contract shall not exceed the amount of five hundred  
9     (500) dollars, and if special bids have been duly solicited by the said  
10    board from persons or firms engaged in the kind of work under con-  
11    sideration who have indicated a desire to bid on the class of work  
12    to be done.

[S. C. C. 241-a29, modified.]

That section two hundred forty-one-a sixty-eight (241-a68) of the supplement to the compiled code of Iowa be amended, revised, and codified to read as follows:

1     **SEC. 20. Iowa documents.** At the time of printing the official re-  
2     ports there shall also be printed from the same type or plates an  
3     edition of five hundred (500) copies to be grouped together and bound  
4     in volumes of convenient size to be known as the Iowa Documents,  
5     of which there shall be one edition for each biennial period. Each  
6     volume as thus grouped shall contain a table of contents of all the  
7     volumes. There shall be included in the Iowa documents, in addition  
8     to the official report, the inaugural address and the messages and  
9     budget of the governor.

[S. C. C. 241-a68, modified.]

1     **SEC. 21. Disposal of plates and slugs.** Plates and slugs from which  
2     former editions of the codes and supplements to the codes have been  
3     printed shall, when no longer needed, be sold by the state printing  
4     board and the proceeds deposited with the state treasurer to the  
5     credit of the general fund.

[New.]

That section 241-a59, supplement to the compiled code is amended, revised, and codified to read as follows:

1     **SEC. 22. Cumulative legislative bulletin.** The superintendent of  
 2 printing shall, throughout each legislative session, and commencing  
 3 with the close of the fourth week thereof, compile and cause to be  
 4 printed, each alternate week, a cumulative bulletin of bills and joint  
 5 resolutions, which bulletin shall contain a brief history of each bill,  
 6 and detailed information as to the status of legislation and shall be  
 7 conveniently indexed. The last issue of each bulletin shall be brought  
 8 down to the time of final adjournment and shall be promptly furnished  
 9 to all members of the general assembly and to such others as the  
 10 superintendent may determine.

Approved April 21, A. D. 1923.

## CHAPTER 276

### COMMISSIONERS FOR IOWA

S. F. 259

AN ACT to amend, revise, and codify sections six hundred eighty-four (684) to six hundred eighty-eight (688), inclusive, of the compiled code of Iowa, and sections six hundred ninety-three-a one (693-a1) to six hundred ninety-three-a five (693-a5), inclusive, and section one hundred two (102) of the supplement to said code, relating to the appointment, powers, and duties of commissioners in other states, and to the fees to be collected by the secretary of state.

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

That sections six hundred eighty-four (684) to six hundred eighty-eight (688), inclusive, of the compiled code of Iowa, and sections six hundred ninety-three-a one (693-a1) to six hundred ninety-three-a five (693-a5), inclusive, of the supplement to said code are amended, revised, and codified to read as follows:

1     **SECTION 1. Appointment and tenure.** The governor may appoint  
 2 and commission, in each of the states of the United States, other than  
 3 this state, and in each territory or insular possession of the United  
 4 States, one (1) or more commissioners who shall continue in office  
 5 for three (3) years from the date of commission. Such appointment  
 6 may be revoked at any time by the governor.

[C. C. 684, modified.]

1     **SEC. 2. Seal.** Each such commissioner shall have an official seal,  
 2 on which shall be engraved the words, "Commissioner for Iowa" with  
 3 his surname and at least the initials of his christian name; also the  
 4 name of the state in which he acts, which seal must be so engraved  
 5 as to make a clear impression on wax, wafer, or paper.

[C. C. 685.]



3 under his official signature and the seal of said court, certify to the  
4 nature of said court, and to the official position and genuineness of  
5 signature of the person executing said certificate.

[New.]

1 **SEC. 7. Fees—filing of application.** Said application shall be ac-  
2 companied by a fee of fifteen dollars (\$15.00). Said application shall  
3 remain permanently on file in the office of the governor.

[S. C. C. 102, modified.]

1 **SEC. 8. Issuance of commission.** If said application is in due form  
2 the governor shall, if he is satisfied of the fitness of the applicant,  
3 issue to said applicant duplicate commissions substantially in the  
4 following form:

5 STATE OF IOWA  
6 Executive Department

7 To all to whom these presents shall come, greeting.

8 Know ye that I, .....governor of the state of Iowa,  
9 reposing special confidence in....., in the name  
10 and by the authority of the people of the said state, do hereby appoint  
11 and commission him a commissioner, resident in the state of.....  
12 to administer oaths, to take depositions and affidavits to be used in  
13 the courts of this state, and to take acknowledgments or proof of  
14 deeds and other instruments to be recorded and used in this state,  
15 to take effect on and after the.....day of.....  
16 A. D., 19....., and do authorize him to discharge according to law  
17 the duties of said office and to hold and enjoy the same, together with  
18 all the powers, privileges, and emoluments thereto appertaining for  
19 the term of three (3) years from said date.

20 In testimony whereof, I have hereunto set my hand and affixed the  
21 great seal of the state of Iowa. Done at Des Moines, this  
22 .....day of.....in the year of our Lord,  
23 one thousand nine hundred and .....

24 BY THE GOVERNOR:

25 Attest.

26 .....  
27 Secretary of State.

[S. C. C. 693-a2, modified.]

1 **SEC. 9. Disposition of commissions.** One (1) duplicate commission  
2 shall be forwarded to the person commissioned. The other duplicate  
3 shall be forwarded to the secretary of state of the state in which  
4 said commissioner has been appointed to act.

[S. C. C. 693-a2.]

1 **SEC. 10. Governor to keep record.** The governor shall keep in his  
2 office a complete record of all appointments made by him pursuant to  
3 the provisions of this chapter.

[S. C. C. 693-a5.]

1 **SEC. 11. Published list of commissioners.** The governor shall cause  
2 to be published with the session laws of each general assembly a full  
3 and complete list of all commissioners for Iowa who are duly qualified,  
4 and whose commissions do not expire on or before the fourth day of  
5 July of the year in which such publication is made, which list shall

6 give the postoffice address, date of qualification, and date of expiration  
7 of the commission, of each commissioner.

[S. C. C. 693-a3.]

1 **SEC. 12. Powers.** A commissioner appointed as herein required  
2 shall have all the powers enumerated in said commission.

[C. C. 684.]

1 **SEC. 13. Evidentiary effect of official acts.** Oaths administered by  
2 any such commissioner, affidavits, and depositions taken by him, and  
3 acknowledgments and proofs of deeds and other instruments, as afore-  
4 said, certified by him, over his official signature and seal, are made  
5 as effectual in law, to all intent and purposes, as if done and certified  
6 by a clerk of the district court, or justice of the peace, or notary  
7 public, of this state.

[C. C. 688, modified.]

1 **SEC. 14. Signature and seal as evidence.** The signature and im-  
2 pression of the official seal of a person purporting to be a commis-  
3 sioner shall be deemed presumptively genuine, and shall be entitled  
4 to the same credit as evidence in the courts and public offices of this  
5 state as the signature and seal of a clerk of the district court, or  
6 notary public of this state.

[C. C. 686, modified.]

1 **SEC. 15. Fees.** Such commissioner is authorized to demand for his  
2 services the same fees as may be allowed for similar services by the  
3 laws of the state in which he is to exercise his office.

[C. C. 687.]

**SEC. 16. Resident commissioner for foreign state—conditions.**  
1 Commissioners of the like nature appointed in this state under the  
2 authority of any other of the states of the United States, or under  
3 authority of any of the territories or insular possessions of the United  
4 States shall obtain from the issuing authority of such state, territory,  
5 or insular possession, a duplicate of his commission and file the same  
6 with the governor of this state.

[S. C. C. 693 -a4, modified.]

1 **SEC. 17. Authority of resident commissioner.** The commissioners  
2 specified in the last preceding section are hereby invested with the  
3 authority of a justice of the peace to issue subpoenas, requiring the  
4 attendance of witnesses before them to give their testimony by de-  
5 position or affidavit, in any matter in which such deposition or affidavit  
6 may be taken by the law of such other state. They are also authorized  
7 to administer oaths in any matter in relation to which they are re-  
8 quired or permitted by such law of the other states; and false swear-  
9 ing in such cases is hereby made subject to the penal laws of this  
10 state relating to perjury.

[S. C. C. 693-a4.]

That section one hundred two (102) of the supplement to the compiled  
code of Iowa is amended, revised, and codified to read as follows:

1 **SEC. 18. Fees.** The secretary of state shall collect all fees directed  
2 by law to be collected by him, including the following:

- 
- 3 1. For certificate, with seal attached, two dollars (\$2.00).  
4 2. For a copy of any law or record, upon the request of any pri-  
5 vate person or corporation, for every hundred (100) words, twenty-  
6 five cents (25c).

[S. C. C. 102, modified.]

Approved February 16, A. D. 1923.



## APPROPRIATION ACTS

### CHAPTER 277

#### BONUS BOARD

H. F. 314

AN ACT to appropriate funds for the expenses of the bonus board of the state of Iowa, and providing for a refund of said appropriation upon the sale of soldiers' bonus bonds, as provided by chapter 332 of the acts of the thirty-ninth general assembly.

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

1 SECTION 1. There is hereby appropriated from funds not otherwise  
2 appropriated in the state treasury the sum of twenty thousand dol-  
3 lars (\$20,000.00) or so much thereof as may be necessary. Said  
4 appropriation shall be expended in the method provided by law, under  
5 the directions of the Bonus board of the state of Iowa, for the pur-  
6 pose of paying expenses and the salaries of employees of said board  
7 prior to the receipt of funds from the sale of soldiers' bonus bonds, as  
8 provided by chapter 332 of the acts of the thirty-ninth general assem-  
9 bly.

1 SEC. 2. At once upon receipt of sufficient funds from the sale of  
2 soldiers' bonus bonds, the soldiers' bonus board shall issue a warrant  
3 against the soldiers' bonus funds, as provided by chapter 332 of the  
4 acts of the thirty-ninth general assembly of the state of Iowa for the  
5 amount of said appropriation so used; said warrant being in favor of  
6 the state of Iowa, and to be paid from the soldiers' bonus funds to  
7 the general funds in the hands of the state treasurer.

1 SEC. 3. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Des Moines  
3 News and the Plain Talk, newspapers published in Des Moines, Iowa.

Approved January 27, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News January 29, 1923, and the Plain Talk February 1, 1923.

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

## CHAPTER 278

## SCHOOLS AND SCHOOL DISTRICTS

H. F. 355

AN ACT to make an appropriation in favor of certain independent school districts that during the school year 1921-1922 maintained day schools for deaf children.

WHEREAS, although the evident intent of chapter ninety-eight (98), acts of the thirty-ninth general assembly, was to increase the age limit of children that might attend a day school for deaf children, from ten years to twelve years, by substituting the word "twelve" for the word "ten" in line five (5) and line six (6) of chapter three hundred eight (308), section two (2), acts of the thirty-seventh general assembly (compiled code, section 2630), the word "twelve" was substituted for the word "ten" in line six (6) only, and,

WHEREAS, certain independent school districts, during the school year 1921-1922, did admit to said day schools certain deaf children between ten and twelve years of age and did instruct them in accordance with the provisions of said chapter three hundred eight (308), acts of the thirty-seventh general assembly, with the expectation that they would receive state aid amounting to twenty dollars (\$20.00) for each month that each child not over twelve years of age was instructed under the provisions of the statute, and,

WHEREAS, because the said section two (2) chapter three hundred eight (308), acts of the thirty-seventh general assembly (compiled code, section 2630), was not properly amended, said independent school districts were not granted state aid for the deaf children between ten and twelve years of age enrolled in said day schools, and,

WHEREAS, the total amount due to said independent school districts is six hundred dollars (\$600.00), according to the itemized statement, which is by reference made a part of this bill as exhibit "A". Therefore,

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

1 SECTION 1. There is hereby appropriated, out of any money in the  
2 state treasury, the sum of six hundred dollars (\$600.00), in favor of  
3 the following independent school districts:

4	Name of independent school district.	Amount due.
5	Des Moines	\$140.00
6	Dubuque	280.00
7	Ottumwa	180.00
8		<hr/>
9		\$600.00

1 SEC. 2. The state auditor is hereby authorized and instructed to  
2 draw warrants upon the state treasury in favor of said independent  
3 school districts, and in said amounts.

4 Exhibit "A"

5 During the school year that commenced in September 1921, the  
6 following children under ten (10) years of age were enrolled in day

7	schools for deaf children, said day schools being maintained by the				
8	independent school districts designated:				
9		Dubuque			
10		Age	Number of	No. months for	State aid
11	Name of child	September	months in	which state aid	\$20 a month
12		1, 1921	attendance	should be paid	not paid
13	Ralph Munz,	10 yrs., 1 mo.	10 mos.	10 mos.	\$200.00
14	Jos. Larson,	10 " 4 mos.	4 "	4 "	80.00
15		Des Moines			
16	Arrie Abromson,	9 yrs., 5 mos.	7½ mos.	2 mos.	\$40.00
17	Gladys Bartlow,	11 " 11 "	9½ "	1 "	20.00
18	Berlin Miller,	11 " 10 "	7½ "	2 "	40.00
19	Maxine Russell,	9 " 5 "	7½ "	2 "	40.00
20		Ottumwa			
21	Evelyn Springer,	10 yrs. 1 mo.	9½ mos.	9 mos.	\$180.00
22					
23				30 mos.	\$600.00
24	Total number of months for which no state aid has been granted,				
25	for children between ten (10) years and twelve (12) years of age,				
26	30. Amount of unpaid claims at \$20.00 a month, \$600.00.				

Approved March 21, A. D. 1923.

## CHAPTER 279

### INAUGURAL CEREMONIES

S. F. 530

AN ACT making an appropriation to defray the expenses of the inaugural ceremonies.

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

1 SECTION 1. That there is hereby appropriated out of the state  
2 treasury, not otherwise appropriated, the sum of four hundred forty-  
3 four dollars and fifty cents (\$444.50) or so much thereof as may be  
4 necessary to pay the expenses incurred on account of the inaugural  
5 ceremonies and reception. Warrants shall be drawn upon the treas-  
6 ury for the sum herein appropriated in favor of the adjutant general  
7 upon the filing of the vouchers therefor with the auditor of state.

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 News and the Plain Talk, newspapers published at Des Moines, Iowa.

Approved March 20, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News March 21, 1923, and the Plain Talk March 22, 1923.

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

## CHAPTER 280

## PUBLIC HEALTH

H. F. 479

AN ACT making appropriation for carrying out the provisions of chapter two hundred ninety-nine (299), acts of the thirty-eighth general assembly (C. C. Sec. 1286), relating to public health.

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

1 SECTION 1. Bureau of venereal diseases. The sum of twenty-five  
2 thousand dollars (\$25,000) or so much thereof as may be necessary  
3 is hereby appropriated annually for the years 1923 and 1924, to carry  
4 on the work relating to public health, under the provisions of chapter  
5 two hundred ninety-nine (299), acts of the thirty-eighth general as-  
6 sembly (C. C. Sec. 1286).

Approved March 26, A. D. 1923.

## CHAPTER 281

## STATE PENITENTIARY

S. F. 374

AN ACT making an appropriation to reimburse the chair and furniture industry located at the state penitentiary, Fort Madison, Iowa, for chairs purchased for the committee clerks in the thirty-eighth general assembly, as authorized by the senate concurrent resolution dated March 22, 1919.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
2 state treasury, not otherwise appropriated, the sum of eight hundred  
3 ninety-one dollars and sixty-eight cents (\$891.68) to reimburse the  
4 chair and furniture industry located at the state penitentiary, Fort  
5 Madison, Iowa, for chairs purchased for the committee clerks in the  
6 general assembly during the session of the thirty-eighth general  
7 assembly, as authorized by the senate concurrent resolution dated  
8 March 22, 1919.

Approved March 28, A. D. 1923.

## CHAPTER 282

## ARDIS ROBERDEE

S. F. 711

AN ACT making an appropriation to provide for Ardis Roberdee recipient of injuries in line of duty at Camp Dodge, Iowa.

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

1 SECTION 1. Whereas Ardis Roberdee, private, troop A, 113th  
2 cavalry, Iowa national guard, was injured in line of duty in August  
3 1921 by being kicked in the head by a horse, and sustained a severe  
4 fracture of the skull, said injury not being due in any manner to  
5 carelessness or neglect on the part of said Ardis Roberdee, and  
6 whereas said Ardis Roberdee is now suffering from paralysis of the  
7 lower limbs and will be crippled during the remainder of his life.

1 SEC. 2. There is hereby appropriated out of any money in the state  
2 treasury the sum of seven thousand five hundred dollars (\$7,500.00)  
3 for the benefit of Ardis Roberdee and the state auditor is hereby  
4 authorized and directed to issue a warrant for said sum payable to  
5 E. R. Moore of Cedar Rapids, Iowa, as trustee, and the treasurer of  
6 state is hereby authorized and directed to pay, out of any funds in the  
7 state treasury not otherwise appropriated, to said trustee the said  
8 sum of seven thousand five hundred dollars (\$7,500).

1 SEC. 3. Said trustee shall, before the payment of said warrant,  
2 qualify as such trustee by filing with the clerk of the district court of  
3 Linn county, Iowa, a bond in double the amount of this appropriation,  
4 said bond to be approved by the clerk of said court.

1 SEC. 4. The said trustee is hereby authorized, empowered and  
2 directed to invest said sum in government, state, county or municipal  
3 bonds, or first mortgages upon Iowa farm real estate, or otherwise as  
4 directed by the district court of Linn county, Iowa, said sum to be  
5 invested so as to yield the largest rate of interest compatible with  
6 safety.

1 SEC. 5. The trustee shall use the interest derived from said fund,  
2 and such part of the principal as may be approved by the district  
3 court of Linn county, Iowa, for the education, keep and care of said  
4 Ardis Roberdee until said fund and the income shall have been con-  
5 sumed, and said trust fund shall be exempt from taxation.

1 SEC. 6. The said trustee shall make annual reports of his doing to  
2 the district court of Linn county, Iowa, and said district court of Linn  
3 County, Iowa is hereby authorized to make such orders touching the  
4 investment and disbursement of said sum and the income therefrom  
5 as may be recommended by the said trustee or his successors and be  
6 approved by said court.

7 A vacancy in the office of said trustee shall be filled by appointment  
8 by the district court of Linn county, Iowa, or a judge thereof.

1 SEC. 7. Upon the death of said Ardis Roberdee the trust fund re-  
 2 maining in the hands of the trustee, if any, shall pass to his estate  
 3 and be distributed as other property.

Approved April 19, A. D. 1923.

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## CHAPTER 283

### DRAINS

#### APPROPRIATIONS

H. F. 510

AN ACT to appropriate twelve thousand three hundred seventy-nine and ninety-six hundredths dollars (\$12,379.96), for the purpose of paying drainage assessments against state owned land in connection with the drainage of East Swan lake.

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

1 SECTION 1. **Appropriation.** There is hereby appropriated out of  
 2 funds in the state treasury, not otherwise appropriated, the sum of  
 3 twelve thousand three hundred seventy-nine and ninety-six hun-  
 4 dredths dollars (\$12,379.96), for the purpose of paying drainage  
 5 assessments against state owned lands in connection with the drain-  
 6 age and cleaning out of drainage ditches of East Swan Lake, Emmet  
 7 county, Iowa.

Approved April 12, A. D. 1923.

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## CHAPTER 284

CARL F. SCHATZ

LAURA SCHATZ

S. F. 540

AN ACT to reimburse and compensate Carl F. Schatz and Laura Schatz, on account of the death of their son and making an appropriation to pay the same.

WHEREAS; Carl H. Schatz, six years of age, the only child of Carl F. Schatz and Laura Schatz, his wife, of Monticello, Iowa, was killed October 11, 1921, by a state automobile, which was then and there negligently operated by an employee of the state highway commission while said employee was engaged in the business of the commission.

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

1 SECTION 1. That there is hereby appropriated the sum of \$5,400  
 2 to reimburse and compensate Carl F. Schatz and Laura Schatz, his

3 wife, for the death of their son, Carl H. Schatz, and for the expenses  
4 and the damages occasioned thereby: and that the auditor of state  
5 is hereby authorized to issue a warrant for said sum payable to the  
6 said Carl F. Schatz and Laura Schatz, his wife, and that the treasurer  
7 of state is hereby authorized to pay the same out of any funds not  
8 otherwise appropriated.

Approved April 16, A. D. 1923.

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## CHAPTER 285

GEORGE W. METCALF

S. F. 566

AN ACT appropriating the sum of three hundred twenty-six dollars and ninety-five cents (\$326.95) to reimburse George W. Metcalf, editor of the Lansing Mirror, for printing done by Mr. Metcalf on order of the motor transport committee of the state council of defense.

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

1 SECTION 1. That there is hereby appropriated out of any moneys  
2 in the state treasury not otherwise appropriated, the sum of three  
3 hundred twenty-six dollars and ninety-five cents (\$326.95) to reim-  
4 burse George W. Metcalf, editor of the Lansing Mirror, for printing  
5 done by Mr. Metcalf on order of the motor transport committee of the  
6 state council of defense.

Approved April 16, A. D., 1923.

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## CHAPTER 286

SCHOOLS AND SCHOOL DISTRICTS

S. F. 394

AN ACT to provide for an appropriation of \$50,000.00 annually during the next biennial, improving school conditions in coal mining camps.

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

1 SECTION 1. **Mining camps.** There is hereby appropriated from the  
2 state treasury out of funds not otherwise appropriated the sum of fifty  
3 thousand dollars (\$50,000.00) annually, or so much thereof as may  
4 be necessary to be used by the state superintendent of public instruc-  
5 tion, with the approval of the executive council, and under its direc-  
6 tion during the next biennium for the purpose of improving school  
7 conditions existing in the mining camps in the state of Iowa.

1 SEC. 2. **Publication clause.** This act being deemed of immediate  
2 importance, shall take effect from and after its passage and publica-

3 tion in the Des Moines Capital and the Des Moines Register news-  
4 papers published in the city of Des Moines, Iowa.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 18, 1923, and the Des Moines Register April 19, 1923.

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

## CHAPTER 287

### STATE BOARD OF AGRICULTURE

S. F. 460

AN ACT to provide funds for completing sheep barn, and for maintenance, repairs and  
improvements to buildings on the state fair grounds, and to make an appropriation  
therefor.

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

1 SECTION 1. There is hereby appropriated to the Iowa department  
2 of agriculture, out of any money in the state treasury not otherwise  
3 appropriated, the sum of sixty-five thousand dollars, (\$65,000), for  
4 the following purposes, to wit:

5 To complete the sheep barn on the state fair grounds, thirty-five  
6 thousand dollars (\$35,000). The new addition to be used for housing  
7 the baby beeves exhibited by Iowa boys and girls.

8 For maintenance of grounds and repairs and improvements to  
9 buildings on the state fair grounds, fifteen thousand dollars, (\$15,000)  
10 annually, for the years 1923 and 1924.

1 SEC. 2. The amounts appropriated by this act shall be drawn from  
2 the state treasury upon warrants issued by the state auditor upon the  
3 order of the state board of agriculture, signed by the president and  
4 secretary.

1 SEC. 3. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in Des Moines  
3 Register and Des Moines Capital, newspapers published in Des Moines,  
4 Iowa.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 18, 1923, and the Des Moines Register April 20, 1923.

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



## CHAPTER 288

JOHN YOUNG

RETTA YOUNG

S. F. 395

AN ACT to make an appropriation for the purpose of indemnifying John Young and Retta Young for damages sustained by them by reason of the death of their son, Merle J. Young, who was killed in the line of service while on duty with the Iowa National Guard.

WHEREAS, Merle J. Young was a member of Troop F, First cavalry, Iowa national guards, and was drilling with said organization under orders on June 23, 1921, and

WHEREAS, the said Merle J. Young while on such duty fell, or was thrown from his horse and sustained injuries which were the immediate cause of his death, and

WHEREAS, the said Merle J. Young was a minor and was contributing to the support of his father and mother, John Young and Retta Young, Therefore,

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

1 SECTION 1. There is hereby appropriated the sum of three thou-  
2 sand dollars (\$3000) for all damages in full sustained by John Young  
3 and Retta Young by reason of the death of their son, Merle J. Young,  
4 caused in the line of duty with the Iowa national guards and the  
5 auditor of state is hereby authorized to issue a warrant for said sum  
6 payable to said John Young and Retta Young and the treasurer of  
7 state is hereby authorized to pay out of any funds not otherwise ap-  
8 propriated the said sum.

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Des Moines  
3 Register, a newspaper published at Des Moines, and the Oskaloosa  
4 Herald, a newspaper published at Oskaloosa.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Oskaloosa Herald April 18, 1923, and the Des Moines Register April 19, 1923.

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

## CHAPTER 289

## JONES COUNTY

S. F. 398

AN ACT making an appropriation to reimburse Jones County, Iowa on prison breach cases tried between the dates of December 3, 1920 and October 2, 1922.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
2 state treasury, not otherwise appropriated, the sum of \$321.90 to  
3 reimburse Jones county, Iowa, as costs incurred in the trial of prison  
4 breach cases, tried between the dates of December 3rd, 1920 and Octo-  
5 ber 2nd, 1922, and the state auditor is hereby authorized to draw war-  
6 rant upon state treasury for the sum herein, upon the filing with the  
7 state auditor of properly itemized and verified claim.

1 SEC. 2. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after the publication in the Anamosa  
3 Eureka and Des Moines Capital.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1923, and the Anamosa Eureka April 26, 1923.

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

## CHAPTER 290

## WOODBURY COUNTY

S. F. 549

AN ACT to compensate Woodbury County, Iowa for money expended by Woodbury County for the hearing, commitment and transportation of certain insane patients who were charges of the State of Iowa.

WHEREAS, the board of supervisors of Woodbury county, Iowa, has allowed and paid the cost of hearing and transportation of certain patients who were not residents of the state of Iowa, and who were committed to the Cherokee state hospital as charges of the state of Iowa, and not the charges of Woodbury county, Iowa, and

WHEREAS, the transportation charges as paid were occasioned by a shortage of help at the Cherokee state hospital making it impossible for attendants of said hospital to accompany the patients upon commitment and requiring that they be taken from Sioux City, Iowa, to Cherokee, Iowa, by employees of Woodbury county, and

WHEREAS, the board of control of state institutions has been unable to approve, allow and pay said claims for the reason that Woodbury county did not present said claims for approval within two years from the date of said hearing and commitment, and

WHEREAS, all of said money was expended by Woodbury county, Iowa, for the use and benefit of the state of Iowa and not for Woodbury county, Iowa, and

WHEREAS, the details of said claims are now on file in the office of the auditor of state, and

WHEREAS, the correct amounts of said payments made on behalf of the state of Iowa is seven hundred seventy dollars and five cents (\$770.05), now therefore,

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

1 SECTION 1. There is hereby appropriated out of any moneys in the  
2 state treasury not otherwise appropriated, the sum of seven hundred  
3 seventy dollars and five cents (\$770.05) as compensation and remun-  
4 eration to pay Woodbury county, Iowa, for the money so advanced in  
5 behalf of the state of Iowa, and the auditor of state is hereby directed  
6 to issue a warrant accordingly.

Approved April 16, A. D. 1923.

## CHAPTER 291

### THE GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION

S. F. 699

AN ACT to provide for the co-operation of the State of Iowa in the movement for the creation of an outlet to the ocean for the products of the Mississippi valley by way of the Great Lakes and the St. Lawrence river, and making an appropriation to meet the expense of such co-operation.

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

1 SECTION 1. That the executive council be, and the same is hereby  
2 authorized to cooperate in behalf of the state of Iowa with the other  
3 states of the Mississippi valley in the furtherance of the movement  
4 for the development of water transportation for the products of this  
5 and adjoining states to the ocean by way of the Great lakes and the  
6 St. Lawrence river and to cooperate in every proper manner with the  
7 association among the states known as The Great Lakes-St. Lawrence  
8 Tidewater Association, organized to further such project; that said  
9 executive council shall have no authority to incur any obligation or  
10 indebtedness in behalf of the state and shall be in its expenditures  
11 wholly limited to the funds herein appropriated.

1 SEC. 2. That there is hereby appropriated out of any funds in the  
2 state treasury not otherwise appropriated, the sum of five thousand  
3 dollars (\$5,000) per annum for the years 1923 and 1924 to be used,  
4 so far as may in the judgment of the executive council be necessary  
5 in the payment of any expense proper to be incurred by this state in  
6 cooperation with other states of the Mississippi valley in the further-  
7 ance of said Great Lakes-St. Lawrence project.

Approved April 16, A. D. 1923.

## CHAPTER 292

CHARLES R. MESSETT

S. F. 362

AN ACT to compensate Second Lieutenant Charles R. Messett, 133rd Infantry, Iowa National Guard, for injuries received in line of duty, and for hospital and medical services, and loss of pay in his civil occupation, and making an appropriation to pay such compensation.

WHEREAS, Second Lieutenant Charles R. Messett was duly commissioned as second lieutenant 133rd infantry, December 2nd, 1921, and was subject to orders from the governor of Iowa;

And WHEREAS, said Second Lieutenant Charles R. Messett was, by company order No. five (5), dated December 8th, 1921, appointed recruiting officer for the service company, 133rd infantry, Iowa national guard, and in the performance of his duty under such appointment was accidentally wounded in the right leg just below the hip, resulting in a comminuted fracture of the upper right femur, and in consequence has lost his earnings for the period he has been incapacitated and borne expenses due to his injuries, as follows:

Loss of time at his regular earning rate of \$7.20 per day.....	\$2,160.00
Hospital services .....	180.50
Medical attention .....	203.00
<b>Total .....</b>	<b>\$2,543.50</b>

And WHEREAS, this amount is a fair adjustment for the injury suffered in line of duty and under competent orders, therefore:

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

1 SECTION 1. There is hereby appropriated the sum of twenty-five  
 2 hundred forty-three and fifty one-hundredths dollars (\$2543.50) as  
 3 compensation and remuneration to pay said Second Lieutenant Charles  
 4 R. Messett, for time lost from his civil occupation, by reason of his  
 5 injury, and to cover hospital and doctor bills incident thereto, and the  
 6 auditor of state is hereby authorized to issue a warrant for said sum  
 7 payable to said Second Lieutenant Charles R. Messett, and the treas-  
 8 urer of state is hereby authorized to pay out of any funds not other-  
 9 wise appropriated, the said sum.

Approved April 16, A. D. 1923.

## CHAPTER 293

## GOOSE LAKE DRAINAGE

S. F. 468

AN ACT to appropriate sufficient funds to care for drainage assessments in connection with the drainage of Goose Lake, Greene County, Iowa.

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

- 1 SECTION 1. There is hereby appropriated out of funds in the state
- 2 treasury, not otherwise appropriated, sufficient funds to pay for the
- 3 drainage assessments levied against state owned lands in connection
- 4 with the drainage of Goose lake in Greene county, Iowa.

Approved April 16, A. D. 1923.

## CHAPTER 294

## GEORGE A. GARDNER

S. F. 446

AN ACT to compensate George A. Gardner for injuries received while assisting in showing a dairy herd of the Mount Pleasant state hospital at the Jefferson county fair, and for loss and damages resulting therefrom, including hospital and medical expenses.

WHEREAS, The Mount Pleasant state hospital, Mount Pleasant, Iowa, exhibited at the Jefferson county fair, held at Fairfield, Iowa, August 8 to August 11, 1922, a dairy herd, including an animal named Sir Korndyke Hades, in charge of George Marcilliat, their herdsman; and

WHEREAS, It was mutually agreed between George Marcilliat, as such herdsman, and Grant Enlow, another exhibitor of dairy stock at the same fair, that they and their assistants would help one another in showing their animals; and

WHEREAS, Under this agreement the said Marcilliat desiring to show his animals, directed George A. Gardner, an assistant of the said Enlow: "Go, get the big animal and take him out to show, and I will get the balance of the cattle out"; and

WHEREAS, In obeying this order, the said Gardner was attacked by the animal Sir Korndyke Hades, crushed against the building, severely bruised and his right leg fractured, and on account of these injuries, he was confined to the Jefferson county hospital for seven (7) weeks, then to his home until about December 1, 1922, and is still unable to wear a shoe on his right foot and to get about without crutches, and is advised by his physician that he will be wholly incapacitated until about June 1, 1923, and will be partially incapacitated until about September 1, 1923; and

WHEREAS, The said Gardner has a widowed mother dependent upon him for support, no means and no source of income save from his own labor

and is now receiving help from the American Legion of Fairfield, Iowa, of which he is a member, therefore,

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

1 SECTION 1. There is hereby appropriated the sum of thirteen hun-  
2 dred seventy-five and fifty one-hundredth dollars (\$1375.50) to be  
3 paid George A. Gardner as compensation for the injuries, loss and  
4 damages so occasioned, including hospital and medical expenses, and  
5 the auditor of state is hereby authorized to issue a warrant for this  
6 amount payable to Senator C. J. Fulton as trustee for the said George  
7 A. Gardner, and the treasurer of state is hereby authorized to pay  
8 out of any funds not otherwise appropriated, the said sum.

1 SEC. 2. That Senator C. J. Fulton is hereby appointed trustee of  
2 the fund and that he is authorized and directed to expend the money  
3 in such manner as in his judgment shall be to the best interests of  
4 the claimant.

Approved April 17, A. D. 1923.

## CHAPTER 295

### VOCATIONAL REHABILITATION EDUCATION

S. F. 613

AN ACT to repeal sections seven (7) and eight (8), chapter fourteen (14), acts of the thirty-ninth general assembly and enacting substitutes therefor, relating to vocational rehabilitation education.

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

That sections seven (7) and eight (8), chapter fourteen (14), acts of the thirty-ninth general assembly be repealed and the following enacted in lieu thereof:

1 SECTION 1. That there shall be appropriated a sum of money avail-  
2 able for each fiscal year not less than the maximum sum, which may  
3 be allotted the state for the purposes set forth in said federal act,  
4 and that there is hereby appropriated for such purposes out of any  
5 money in the state treasury, not otherwise appropriated, for the fiscal  
6 year ending, June 30th, 1924, the sum of twenty-two thousand eight  
7 hundred and thirty-six dollars and forty-five cents (\$22,836.45) and  
8 for the fiscal year ending June 30th, 1925, the sum of twenty-two  
9 thousand eight hundred and thirty-six dollars forty-five cents  
10 (\$22,836.45).

1 SEC. 2. That there is hereby appropriated out of any funds in the  
2 state treasury not otherwise appropriated the sum of five hundred  
3 dollars (\$500), or as much thereof as may be necessary, for the state  
4 board for vocational education for additional office equipment in the  
5 administration of the federal and state rehabilitation acts known  
6 respectively as Pub. No. 236, 66th congress and sec. 1 of this act.

Approved April 17, A. D. 1923.

## CHAPTER 296

## JOE BANOCH

S. F. 536

AN ACT to make an appropriation for the purpose of indemnifying Joe Banoch for damages occasioned by reason of sustaining a loss of three fingers while engaged in performing his usual and ordinary duties in the state reformatory at Anamosa.

WHEREAS, Joe Banoch, an inmate of the state reformatory at Anamosa, while engaged in performing his usual and ordinary duties in said reformatory, on or about September 15, 1922, sustained a loss of three fingers of his left hand in the joiner while employed in said institution; and,

WHEREAS, said Joe Banoch was at the time working under the direction of the officials of said institution; and,

WHEREAS, said injury was sustained without fault or negligence on the part of said Joe Banoch; therefore,

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

1 SECTION 1. That there is hereby appropriated the sum of eight  
2 hundred fifty-five dollars (\$855.00) for all damages in full sustained  
3 by Joe Banoch by reason of losing three fingers while employed under  
4 the direction of the officers of the state reformatory at Anamosa, and  
5 the auditor of state is hereby authorized to issue a warrant for said  
6 sum, payable to the said Joe Banoch, and the treasurer of state is  
7 hereby authorized to pay said sum out of any funds not otherwise  
8 appropriated.

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Des Moines  
3 Register and Des Moines Capital, newspapers published at Des Moines,  
4 Iowa.

Approved April 17, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1923, and the Des Moines Register April 19, 1923.

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

## CHAPTER 297

## ROSS SEWARD

S. F. 423

AN ACT to compensate one Ross Seward for injuries received while an inmate of the state penitentiary at Fort Madison, Iowa, and making an appropriation therefor.

WHEREAS, Ross Seward was, on the twentieth day of December, 1919, injured by a saw in the chair factory at Fort Madison, causing the loss of the first and second fingers at the first joint, and the little finger at the

second joint, and lacerating the third joint which resulted in stiffness and complete loss of the use of the same, and

WHEREAS, In the month of July, 1922, Ross Seward was thrown from a hay rack while engaged as a convict on Farm Number Three (3) at Fort Madison, thereby suffering a severe rupture, and from which he is still suffering and will continue to suffer, and,

WHEREAS, Certain compensation should be allowed said Ross Seward for the injuries above set out,

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

1 SECTION 1. That there is hereby appropriated out of any funds in  
2 the state treasury, not otherwise appropriated, to the board of parole  
3 for the use and benefit of Ross Seward for damages and injuries sus-  
4 tained, while an inmate of the penitentiary at Ft. Madison, the sum of  
5 two thousand dollars (\$2000.00) to be paid to Ross Seward by the  
6 board of parole at the rate of fifty dollars (\$50.00) per month, or as  
7 much in excess of fifty dollars (\$50.00) per month, as in the judgment  
8 of the board of parole may be necessary or advisable until the said  
9 amount of two thousand dollars (\$2,000.00) has been paid to Ross  
10 Seward, or the board of parole may pay the entire amount, or any  
11 part thereof remaining, to said Ross Seward at any time in their  
12 discretion.

Approved April 17, A. D. 1923.

## CHAPTER 298

### ELECTIONS

H. F. 604

AN ACT to make an appropriation for the payment of the expenses incurred in the election contest of Rumley vs. Springer.

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

1 SECTION 1. There is hereby appropriated out of any moneys in the  
2 state treasury not otherwise appropriated, the sum of one thousand  
3 two hundred fifty-four dollars and eighty-five cents (\$1254.85), or  
4 so much thereof as may be necessary to pay the expenses of the elec-  
5 tion contest wherein Ralph L. Rumley was contestant, and M. L.  
6 Springer was the incumbent. Warrants shall be drawn for the sums  
7 herein appropriated in favor of the following persons in amounts as  
8 follows:

9	M. L. Springer, salary	\$500.00
10	E. Ray Wiley, county auditor, Decatur Co. expenses	
11	and mileage	27.50
12	A. C. Gustafson, express on ballots Des Moines to Leon	12.75
13	W. R. Cook, Asst. Sergeant-at-Arms, expenses serving	
14	subpoenas	18.20



15	John Dennison, allowance on attorney's fees	150.00
16	R. L. Parrish, allowance on attorney's fees	150.00
17	Ralph L. Rumley, mileage	8.50
18	C. E. Davenport, witness fees \$2.50, mileage \$7.30, total	9.80
19	J. W. Downey, witness fees 2.50 mileage 7.40	9.90
20	E. B. Saylor, witness fees 2.50 mileage 7.10	9.60
21	C. F. Fierce, witness fees 2.50 mileage 7.20	9.70
22	M. H. Fry, witness fees 2.50 mileage 7.00	9.50
23	M. F. Thompson, witness fees 2.50 mileage 7.00	9.50
24	A. C. Price, witness fees 2.50 mileage 7.00	9.50
25	R. B. Hawkins, witness fees 2.50 mileage 8.00	10.50
26	A. G. Smith, witness fees 2.50 mileage 7.40	9.90

1 SEC. 2. This act being deemed of immediate importance shall be in  
 2 full force and effect from and after publication in the Des Moines  
 3 Capital and the Iowa Forum, newspapers published at Des Moines,  
 4 Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 21, 1923, and the Iowa Forum April 25, 1923.

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

## CHAPTER 299

JOHN S. YOUNG

H. F. 388

AN ACT to provide an appropriation of one hundred fifty (\$150.00) dollars to indemnify John S. Young for loss and damage incurred resulting from colliding with a truck belonging to the capitol extension department of the state of Iowa, occurring on July 20th, 1922, at East Ninth street and Court avenue, city of Des Moines.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
 2 state treasury not otherwise appropriated, the sum of one hundred  
 3 fifty (\$150.00) dollars to reimburse and indemnify John S. Young  
 4 of 2609 Logan avenue, city of Des Moines, Iowa, on account of dam-  
 5 ages to his person and his automobile, said damages resulting by  
 6 reason of colliding with a truck belonging to the capitol extension  
 7 department.

1 SEC. 2. The receipt by John S. Young to be in full settlement and  
 2 satisfaction of all claims for damages resulting to John S. Young to  
 3 his person or property on account of said collision.

1 SEC. 3. This act being of immediate importance shall be in force  
 2 and effect from and after its publication in the Des Moines Capital  
 3 and Des Moines Register, newspapers published in Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 21, 1923, and the Des Moines Register April 21, 1923.

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

## CHAPTER 300

## MUD LAKE

H. F. 816

AN ACT to appropriate nine thousand seven hundred ninety-two dollars and thirty-three cents, (\$9,792.33), or so much thereof as may be necessary for the purpose of paying drainage assessments against state owned land in connection with the drainage of Mud lake.

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

1 SECTION 1. There is hereby appropriated out of funds in the state  
2 treasury, not otherwise appropriated, the sum of nine thousand seven  
3 hundred ninety-two dollars and thirty-three cents (\$9,792.33) for the  
4 purpose of paying drainage assessments against state owned lands in  
5 connection with the drainage of Mud lake, Clay county, Iowa.

Approved April 18, A. D. 1923.

## CHAPTER 301

## LEE COUNTY

H. F. 609

AN ACT making an appropriation to reimburse Lee County, Iowa, on prison breach cases tried between the dates of April 10, 1918, and April 13, 1920.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
2 state treasury, not otherwise appropriated, the sum of six hundred  
3 eighty-nine and 50/100 dollars to reimburse Lee county, Iowa, as  
4 costs incurred in the trial of prison breach cases, tried between the  
5 dates of April 10, 1918 and April 13, 1920, and the state auditor is  
6 hereby authorized to draw warrant upon state treasury for the sum  
7 herein, upon the filing with the state auditor of properly itemized and  
8 verified claim.

Approved April 18, A. D. 1923.

## CHAPTER 302

## MISCELLANEOUS EXPENSE ACT

S. F. 745

AN ACT to make appropriation for the payment of state and other expenses.

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

1	SECTION 1. There is hereby appropriated out of any funds in the	
2	state treasury not otherwise appropriated the following sums, or so	
3	much thereof as may be necessary to pay the claims and expenses	
4	indicated:	
5	R. F. Wolfe ..... (S. F. 705).....	\$17.20
6	Globe Machinery & Supply Co..... (S. F. 706).....	13.27
7	The Clinton Advertiser ..... (S. F. 704).....	8.95
8	McNamara Office Supply Co. .... (S. F. 709).....	32.25
9	C. M. Meusel ..... (S. F. 331).....	29.50
10	Mercy Hospital, Cedar Rapids ..... (H. F. 571).....	21.90
11	Drs. Murphy, Neuzil, and Victorine... (H. F. 571).....	58.00
12	W. H. Cleary ..... (H. F. 571).....	14.06
13	C. A. Suits ..... (H. F. 571).....	28.00
14	John C. Bradbury ..... (H. F. 513).....	47.79
15	George Judisch ..... (H. F. 486).....	70.00
16	George S. Banta, traveling expense in attendance	
17	at conference .....	23.79
18	A. V. Brady, traveling expense in attendance at	
19	conference .....	20.79
20	J. D. Buser, traveling expense in attendance at funeral	
21	of Senator D. C. Chase .....	20.06
22	F. C. Gilchrist, traveling expense in attendance at	
23	funeral of Senator D. C. Chase .....	8.65
24	J. R. Price, traveling expense in attendance at funeral	
25	of Senator D. C. Chase .....	9.85
26	William Schmedika, mileage .....	6.30
27	L. W. Ainsworth, postage, telephone, telegraph,	
28	badges and miscellaneous items .....	67.66
29	J. H. McFarland, 8 days as door-keeper .....	32.00
30	G. L. Steinhilber, extra salary as file clerk .....	100.00
31	Paul Sims, extra salary as bill clerk .....	100.00
32	Don Winterrowd, extra salary as file clerk .....	100.00
33	H. L. Gordon, extra salary as bill clerk.....	100.00
34	Chas. Lindenau, extra salary as file clerk .....	100.00
35	John Hammill, Lieutenant Governor, as President of	
36	the Senate .....	2000.00
37	J. H. Anderson, as Speaker of the House of Rep-	
38	resentatives (additional to his regular salary	
39	as a member) .....	1000.00

1 SEC. 2. There is hereby appropriated out of any funds in the state  
2 treasury not otherwise appropriated the sum of eight hundred dollars  
3 (\$800) or so much thereof as may be necessary to pay the usual fees  
4 of chaplains of the senate and the house of representatives of the  
5 Fortieth general assembly, warrants therefor to be drawn in favor

6 of the persons entitled thereto, who shall be determined by the auditor  
7 of state upon the certified statements of the president of the senate  
8 and the speaker of the house.

1 SEC. 3. There is hereby appropriated the sum of sixty-eight dol-  
2 lars and seventy-four cents (\$68.74) out of the fish and game pro-  
3 tection fund in full payment of the claim of C. M. Roggensack for  
4 services rendered the state under the direction of the fish and game  
5 department during the years 1917, 1918, and 1920 (S. F. 707).

1 SEC. 4. There is hereby appropriated the sum of one hundred fifty-  
2 six dollars and thirty-seven cents (\$156.37) out of the fund of the  
3 board of engineering examiners in full payment of the following  
4 claims:

5	Koch Bros. ....	(S. F. 708).....	\$93.39
6	L. M. Martin .....	(S. F. 719).....	62.98

1 SEC. 5. There is hereby appropriated the sum of one hundred sixty-  
2 five dollars (\$165.00) out of the fund of the board of dental examiners  
3 in full payment of the following claim:

4	Dr. C. B. Miller.....	(H. F. 521).....	\$165.00
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1 SEC. 6. To the secretary of agriculture for the purpose of paying  
2 expenses of organization and the salary of such officer from May 1st  
3 1923 to July 1st 1923 the sum of twenty five hundred (\$2500.00)  
4 dollars.

1 SEC. 7. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Des Moines  
3 Register and the Des Moines Capital, newspapers published in Des  
4 Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April  
24, 1923, and the Des Moines Capital April 24, 1923.

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

## CHAPTER 303

### GENERAL EXPENSE ACT

S. F. 757 •

AN ACT to make appropriation for the payment of state and other expenses.

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

1 SECTION 1. **Appropriation.** There is hereby appropriated out of  
2 any funds in the state treasury not otherwise appropriated such sum  
3 or sums as may be necessary to pay the salaries and expenses in-  
4 dicated, provided that on July first, next succeeding the regular meet-  
5 ing of the general assembly, any balance remaining unexpended shall  
6 be covered into the state treasury.

1 SEC. 2. Advertisements. For the purpose of paying the cost of  
2 advertising laws of the fortieth general assembly, under the provisions  
3 of section thirty-six (36) of the code, the sum of five thousand dollars  
4 (\$5000.00).

1 SEC. 3. Secretary of State. To W. C. Ramsay to reimburse him  
2 for loss incurred in the deposit of a certain check on the state treasury,  
3 the sum of forty-six dollars (\$46.00).

1 SEC. 4. Executive Council. To pay the cost of laundering towels  
2 for the fortieth general assembly, the sum of two hundred dollars  
3 (\$200.00).

1 SEC. 5. Executive Council. To cover cost of inspection and repair  
2 of the passenger elevators in the state house, the sum of fifteen hun-  
3 dred dollars (\$1500.00).

1 SEC. 6. To certain employees of the house and senate of the  
2 fortieth general assembly for services required after adjournment  
3 as ordered in concurrent resolution of the senate of April 7th and  
4 amended and adopted by the house on April 12th, concurred in by  
5 the senate on April 13th, such sum as may be necessary to pay them  
6 for the required number of days at the same rate per diem received  
7 during the session.

1 SEC. 7. Curator. To the office of the curator of the historical de-  
2 partment of the state of Iowa, for the maintenance of Okoboji monu-  
3 ment and grounds, the sum of two hundred fifty dollars (\$250.00).

1 SEC. 8. To Lieutenant Governor Hammill for express, three dollars  
2 and fifty cents (\$3.50).

1 SEC. 9. To A. C. Gustafson for postage, telegraph and telephone  
2 expense, the sum of thirty-three dollars seventy-eight cents (\$33.78).

1 SEC. 10. Executive council. To cover the cost of installing Edison  
2 battery on the voting machine in the house of representatives, the  
3 sum of six hundred fifteen dollars (\$615.00).

1 SEC. 11. To the Des Moines rubber stamp works for badges, fifty-  
2 four dollars thirty-five cents (\$54.35).

1 SEC. 12. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Des Moines  
3 Register and the Des Moines Capital, newspapers published in Des  
4 Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April  
24, 1923, and the Des Moines Capital April 24, 1923.

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

## CHAPTER 304

## FORT DODGE, DES MOINES &amp; SOUTHERN RAILROAD COMPANY

S. F. 452

AN ACT making an appropriation to defray the expenses incurred by the Fort Dodge, Des Moines & Southern Railroad Company made necessary in clearing its tracks on account of the slide which occurred at the south end of the capitol grounds extension in the spring of 1920.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
2 state treasury, not otherwise appropriated, the sum of six thousand  
3 twenty-nine dollars and sixty-two cents (\$6,029.62), the said sum or  
4 so much thereof as may be necessary, to be paid out for the purpose  
5 of reimbursing the Fort Dodge, Des Moines & Southern Railroad com-  
6 pany for expenses incurred by it in removing material from its tracks  
7 at the south end of capitol grounds extension onto its tracks, said  
8 expenditures to be made upon warrants drawn upon the treasury of  
9 the state of Iowa for the sum herein appropriated, or so much as shall  
10 be necessary for said purpose in favor of the Fort Dodge, Des Moines  
11 & Southern Railroad company upon the filing of verified statement  
12 therefor with the auditor of the state of Iowa.

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

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 23, 1923, and the Des Moines Register April 24, 1923.

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

## CHAPTER 305

## RAILROAD COMMISSION

S. F. 756

AN ACT making appropriation of funds to enable the railroad commission to carry out the provisions of senate file three hundred sixty-one (361) as amended fortieth (40th) general assembly.

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

1 SECTION 1. **Appropriation.** There is hereby appropriated out of  
2 the funds in the state treasury, not otherwise appropriated, the sum  
3 of ten thousand dollars (\$10,000.00) annually, or so much thereof as  
4 may be necessary, the same to be expended by the state railroad com-

5 mission to carry out the provisions of senate file three hundred sixty-  
6 one (361) as amended fortieth (40th) general assembly.'

Approved April 19, A. D. 1923.

## CHAPTER 306

### STATE CAPITOL GROUNDS

S. F. 752

AN ACT making an appropriation for the maintenance and improvement of the state capitol grounds for the biennial period commencing July 1, 1923 and ending June 30, 1925.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
2 state treasury not otherwise appropriated the sum of twenty-three  
3 thousand eighty-nine dollars and ninety-seven cents (\$23,089.97) to  
4 be used in the maintenance and improvement of the state capitol  
5 grounds for the biennial period commencing July 1, 1923 and ending  
6 June 30, 1925 and for the following purposes:

7	MAINTENANCE	
8	Repairing bridge .....	\$ 575.00
9	Lighting .....	3,800.00
10	Walk 1394.75 sq. yds. @ .03.....	418.41
11	(Resurfacing)	
12	Grass seed 200 lbs. @ \$40.00.....	80.00
13	Snow removal .....	1,000.00
14	Equipment repair .....	950.00
15	Water repair .....	1,050.00
16	Sewer repair .....	300.00
17	Greenhouse .....	480.00
18	Electrician .....	3,449.76
19	Mechanic .....	3,000.00
20	Lawn laborers .....	2,329.60
21	Trees & shrubs (1 man).....	700.00
22	Flowers .....	1,747.20
23	Watchman .....	960.00
24	Cleaning ground (1 man).....	960.00
25		\$22,249.97
26	REPLACEMENTS	
27	Grand avenue walk 5600 sq. ft. @ .15c.....	\$ 840.00      840.00
28		\$23,089.97
29		

Approved April 19, A. D. 1923.

## CHAPTER 307

## STATE EXPENSES

## CONTINGENT FUNDS

S. F. 749

AN ACT to make appropriation for the payment of state and other expenses.

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

1 SECTION 1. There is hereby appropriated from the state treasury  
2 for a term of two years, ending June 30th, 1925, the following sums,  
3 or so much thereof as shall be necessary, provided that on the first  
4 day of July, succeeding the meeting of the regular session of the  
5 general assembly, all moneys appropriated in this act and remaining  
6 unexpended shall be and are hereby covered into the state treasury.

1 SEC. 2. To the executive council to meet necessary expenses for  
2 which no appropriation is made, the sum of three thousand dollars  
3 (\$3,000.00), to be disbursed on claims approved by the executive  
4 council.

1 SEC. 3. To the pioneer lawmakers association, to assist in defray-  
2 ing the expenses of publishing the proceedings of the said association  
3 and to be paid to the secretary thereof on the presentation of proper  
4 vouchers therefor, a sum not to exceed one hundred dollars (\$100.00).

1 SEC. 4. To the state board of education to pay the reasonable office  
2 expense incurred by the president of the board in the discharge of  
3 his official duties the sum of five hundred dollars (\$500.00), and the  
4 further sum of five hundred dollars (\$500.00) for the purchase of  
5 material to be used in the manufacture of garments for use in the  
6 hospital for crippled children.

1 SEC. 5. To the executive council to pay the assessment of the state  
2 of Iowa for expense of governor's conference the sum of five hun-  
3 dred dollars (\$500.00).

1 SEC. 6. To the board of control for the purpose of defraying the  
2 expenses for medical attention and treatment of friendless girls in  
3 maternity cases that are patients in certain homes for friendless  
4 women in Iowa, the sum of five thousand dollars (\$5,000.00).

1 SEC. 7. To the office of curator of the historical department of  
2 the state of Iowa:

3 a. For defraying the reasonable expenses of any person cooperat-  
4 ing with valuable services or property in furthering the objects of  
5 the department, the sum of two hundred and fifty dollars (\$250.00).

6 b. For the actual and necessary expenses of travel on business of  
7 the department, five hundred dollars (\$500.00).

8 c. For making historic motion picture records of persons and  
9 events of value to the state of Iowa, seven hundred fifty dollars  
10 (\$750.00).

11 d. For defraying cost of binding and supplies for archives division,  
12 five hundred dollars (\$500.00).



13 e. For acquiring portraits of Iowa citizens who are or have been  
14 members of the cabinet, United States senators or chief executives  
15 of the state, fifteen hundred dollars (\$1500.00).

1 SEC. 8. For the office of the clerk of the supreme court, as con-  
2 tingent fund, the sum of six hundred dollars (\$600.00).

1 SEC. 9. For the office of the governor, for contingent and expense  
2 fund, the sum of five thousand dollars (\$5,000.00); for the expense of  
3 employing additional counsel when necessary under provisions of sec-  
4 tions sixty-three (63) and sixty-four (64) of the code, the sum of  
5 twenty-five hundred dollars (\$2500.00); for the investigation of par-  
6 don and parole and for the return of paroled prisoners, the sum of  
7 two hundred dollars (\$200.00); for publication of notices, the sum of  
8 eight hundred dollars (\$800.00).

1 SEC. 10. For the office of the treasurer of state as contingent fund  
2 the sum of ten thousand dollars (\$10,000.00).

1 SEC. 11. For the office of the state board of control as contingent  
2 fund, the sum of four thousand dollars (\$4,000.00).

1 SEC. 12. For the office of the state food and dairy commissioner  
2 as contingent fund the sum of two thousand dollars (\$2,000.00).

1 SEC. 13. For the retrenchment and reform committee as a con-  
2 tingent fund the sum of forty thousand dollars (\$40,000.00).

1 SEC. 14. For providential contingencies to be expended in accord-  
2 ance with section one hundred seventy (170) of the code, the sum  
3 of one hundred thousand dollars (\$100,000.00), the said amount to  
4 be under the control of the executive council, and all payments under  
5 this section shall be reported in detail by the auditor of state in his  
6 next report and shall receive the approval of all members of the  
7 executive council.

1 SEC. 15. To the executive council to be expended under the provi-  
2 sions of sections one hundred sixty-four (164) and one hundred sixty-  
3 five (165) of the code the sum of three hundred twenty-five thousand  
4 dollars (\$325,000.00).

1 SEC. 16. To the executive council for the purpose of paying ex-  
2 press, freight and drayage for the state departments located at the  
3 capitol the sum of ten thousand dollars (\$10,000.00).

1 SEC. 17. To custodian for extra carpenter, painter and other extra  
2 labor, the sum of five thousand dollars (\$5,000.00).

1 SEC. 18. For a contingent fund for the supreme court, the sum of  
2 two thousand dollars (\$2,000.00).

1 SEC. 19. For a contingent fund for the office of superintendent of  
2 public instruction the sum of three thousand dollars (\$3,000.00).

1 SEC. 20. To the law library for legislative reference work the sum  
2 of two thousand dollars (\$2,000.00) per annum for each year of the  
3 biennium.

1 SEC. 21. To the attorney general as a contingent fund the sum of  
2 seventy-five hundred dollars (\$7500.00) per annum for each year of  
3 the biennium.

1 SEC. 22. To the executive council for laundry of towels the sum  
2 of seven hundred dollars (\$700.00).

1 SEC. 23. To the state fire marshal as a contingent fund the sum  
2 of two thousand dollars (\$2000.00).

1 SEC. 24. To the auditor of state as a contingent fund the sum of  
2 three thousand dollars (\$3,000.00).

1 SEC. 25. To the reporter of the supreme court as a contingent fund  
2 the sum of six hundred dollars (\$600.00).

1 SEC. 26. On June 30th, 1925, the head of each department, board  
2 or commission, receiving an appropriation under the terms and provi-  
3 sions of this act shall file with the state auditor a list of all expendi-  
4 tures for which warrants have not been drawn, and any balance  
5 remaining after covering such expenditures shall be covered back into  
6 the state treasury as provided in section one (1) hereof.

Approved April 19, A. D. 1923.

## CHAPTER 308

### SUPPORT FUNDS OF THE STATE EDUCATIONAL INSTITUTIONS

S. F. 453

AN ACT to make appropriations for the state university of Iowa, the Iowa state college of agriculture and mechanic arts, the Iowa state teachers college, the Iowa college for the blind, and the Iowa school for the deaf.

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

1 SECTION 1. There is hereby appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the state university of  
3 Iowa, the sum of one million one hundred eighty-one thousand dollars  
4 (\$1,181,000.00) annually, for each year of the biennium beginning  
5 July 1, 1923, for the following purposes:

6	Educational support .....	\$ 600,000
7	College of liberal arts.....	80,000
8	College of medicine.....	75,000
9	College of dentistry.....	20,000
10	College of education .....	26,000
11	Graduate college .....	25,000
12	Equipment and supplies.....	16,000
13	Repair and contingent.....	43,000
14	Department of building and grounds.....	80,000
15	Administration .....	18,000
16	Library .....	35,000
17	Commerce .....	50,000
18	Nurses training and public health nursing.....	20,000

19	Soldier tuition .....	35,000
20	University extension & public health service....	43,000
21	Epidemiology laboratory .....	15,000
22		
23		<u>\$1,181,000</u>

24 From the soldiers' tuition appropriation the state university is to  
 25 receive, for each honorably discharged soldier or sailor of the United  
 26 States who enrolls in any college of the institution, \$20.00 for each  
 27 semester and \$20.00 for each summer school.

28 The annual appropriations provided for in this section shall be paid  
 29 on the order of the Iowa state board of education in monthly install-  
 30 ments beginning July 1, 1923. The Iowa state board of education  
 31 may transfer to the educational support fund any of the above funds  
 32 that are not made contingent upon increased attendance.

1 SEC. 2. There is further appropriated out of any money in the  
 2 state treasury not otherwise appropriated, to the state university of  
 3 Iowa, for the biennium, beginning July 1, 1923, the sum of two hun-  
 4 dred eighty thousand dollars (\$280,000.00) for the following purposes:

5	Additional equipment for buildings and	
6	departments .....	\$170,000
7	Paving, sidewalk and sewer.....	60,000
8	General lighting system for campus.....	5,000
9	Grading and planting.....	10,000
10	Additional for library.....	5,000
11	Water pump and filter.....	30,000
12		<u>\$280,000</u>

13 The special appropriations provided for in this section shall be paid  
 14 on the order of the Iowa state board of education, but not more than  
 15 one-half of the entire amount shall be available before July 1st, 1924.  
 16 It is further provided that not more than \$50,000 of the special appro-  
 17 priation may be used for educational support.

1 SEC. 3. There is hereby appropriated out of any money in the  
 2 state treasury not otherwise appropriated, to the Iowa state college  
 3 of agriculture and mechanic arts the sum of one million one hundred  
 4 sixty-nine thousand five hundred dollars (\$1,169,500.00) annually, for  
 5 each year of the biennium beginning July 1, 1923, for the following  
 6 purposes:

7	Permanent collegiate support fund.....	\$ 800,000
8	Sub-collegiate courses in agriculture, home	
9	economics and engineering .....	20,000
10	Contingent fund repairs and minor improve-	
11	ments .....	10,000
12	Library, books and periodicals.....	20,000
13	Maintenance and improvement of public	
14	grounds .....	10,000
15	Soldier tuition .....	35,000
16	Engineering experiment station.....	20,000
17	Agricultural experiment station.....	134,500
18	Agricultural home economics extension.....	100,000

19	Trade school and engineering extension.....	10,000
20	Veterinary investigations .....	10,000

10,000  
\$1,169,500

21  
22 Of the special appropriation for soldier tuition the Iowa state college  
23 is to receive for each honorably discharged soldier or sailor of the  
24 United States who enrolls in any division of the institution, \$20.00  
25 for each semester and \$20.00 for each summer school.

26 Of the special appropriation for agricultural experiment station not  
27 less than \$25,000, nor more than \$50,000 is to be used for soils survey  
28 work; and \$25,000 is to be used for making investigations in agricul-  
29 tural economics, including the marketing of farm products.

30 The Iowa state board of education may transfer to the permanent  
31 collegiate support fund any of the above funds that are not made  
32 contingent upon increased attendance.

33 The annual appropriations provided for in this section shall be paid  
34 on the order of the Iowa state board of education in monthly install-  
35 ments beginning July 1, 1923.

1 SEC. 4. There is further appropriated out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa state college  
3 of agriculture and mechanic arts, for the biennium beginning July 1,  
4 1923, the sum of two hundred sixty-five thousand dollars (\$265,000.00)  
5 for the following purposes:

6	Equipment and furnishings for buildings and	
7	departments .....	\$ 90,000
8	Extension of heating system, equipment for	
9	heating plant, water plant and sewerage	
10	system .....	75,000
11	Additional construction and equipment.....	100,000

100,000  
\$265,000

12  
13 The special appropriations provided for in this section shall be paid  
14 on the order of the Iowa state board of education, but not more than  
15 one-half of the entire amount shall be available before July 1, 1924.

16 It is further provided that \$50,000 of the special appropriations may  
17 be used for permanent collegiate support fund.

1 SEC. 5. There is further appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa state college  
3 of agriculture and mechanic arts, the sum of five hundred thousand  
4 dollars (\$500,000.00) to be used for the construction of buildings or  
5 the purchase of land at the Iowa state college of agriculture and  
6 mechanic arts, and the Iowa state board of education is hereby  
7 authorized to use said amount for said institutions as in their judg-  
8 ment seems best.

1 SEC. 6. There is hereby appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa state teachers  
3 college, the sum of three hundred ninety-eight thousand dollars  
4 (\$398,000.00) annually for each year of the biennium beginning July  
5 1, 1923, for the following purposes:

6	Teachers fund .....	\$165,000
7	Support and maintenance.....	30,000
8	Summer term fund.....	44,000

9	Contingent and repair.....	100,000
10	Library .....	10,000
11	Librarians salary fund.....	8,000
12	Hospital fund .....	6,000
13	Extension summer school.....	35,000

\$398,000

14  
15 The annual appropriations provided for in this section shall be paid  
16 on the order of the Iowa state board of education in monthly install-  
17 ments, beginning July 1, 1923, with the exception of the appropriation  
18 of \$35,000 for the extension summer school, and \$44,000 for the  
19 summer term fund, which shall be available July 1, 1923, and on  
20 July 1, of each year thereafter for the biennial period.

1 SEC. 7. There is further appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa state teachers  
3 college, the sum of twenty thousand dollars (\$20,000.00) for the  
4 biennium beginning July 1, 1923, for the following special purpose:

5	Repairing, improving and equipping heating	
6	plant .....	\$ 20,000

7 The special appropriation provided for in this section shall be avail-  
8 able on July 1, 1923, and shall be paid on the order of the Iowa state  
9 board of education.

1 SEC. 8. There is hereby appropriated out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa college for the  
3 blind, the sum of forty-three thousand five hundred dollars (\$43,-  
4 500.00) annually for each year of the biennium beginning July 1,  
5 1923, for the following purposes:

6	Support fund .....	\$ 40,000
7	Repair and contingent.....	3,500

\$ 43,500

8  
9 The annual appropriations provided for in this section shall be paid  
10 on the order of the Iowa state board of education in monthly install-  
11 ments beginning July 1, 1923, for the biennial period.

1 SEC. 9. There is further appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa college for the  
3 blind, for the biennium beginning July 1, 1923, the sum of nineteen  
4 thousand dollars (\$19,000.00) for the following special purposes:

5	Piano and furniture.....	\$ 4,000
6	Improvements .....	5,000
7	Equipment .....	5,000
8	Small buildings .....	5,000

\$ 19,000

9  
10 The special appropriations provided for in this section shall be avail-  
11 able July 1, 1923, and shall be paid on the order of the Iowa state  
12 board of education.

1 SEC. 10. There is hereby appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa school for the  
3 deaf, the sum of one hundred forty-two thousand five hundred dollars  
4 (\$142,500.00) annually, for each year of the biennium beginning July  
5 1, 1923, for the following purposes:

6	Support fund .....	\$142,000
7	Scholarships .....	500

8 \$142,500

9 The annual appropriations provided for in this section shall be paid  
10 on the order of the Iowa state board of education in monthly install-  
11 ments beginning July 1, 1923, for the biennial period.

1 SEC. 11. There is further appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa School for the  
3 deaf, for the biennium beginning July 1, 1923, the sum of seventy-one  
4 thousand dollars (\$71,000.00) for the following purposes:

5	Repair and contingent.....	\$ 30,000
6	Library and book binding.....	1,000
7	Equipment .....	40,000

8 \$ 71,000

9 The special appropriations provided for in this section shall be  
10 available July 1, 1923, and shall be paid on the order of the Iowa state  
11 board of education.

1 SEC. 12. There is further appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa school for the  
3 deaf, for the biennium beginning July 1, 1923, the sum of three  
4 thousand three hundred dollars (\$3,300.00), or as much thereof as  
5 may be necessary, to pay for the following special assessments against  
6 certain land belonging to the Iowa school for the deaf:

7	Mosquito Creek Drainage District No. 22.....	\$ 3,300
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8 The special appropriation provided for in this section shall be avail-  
9 able July 1, 1923, and shall be paid on the order of the Iowa state  
10 board of education.

1 SEC. 13. There is hereby appropriated, out of any money in the  
2 state treasury not otherwise appropriated, the amount of nine hundred  
3 eighty-one thousand eight hundred fifty dollars (\$981,850.00) annually  
4 for each year of the biennium beginning July 1, 1923, to be used as  
5 follows:

6	To the state university of Iowa.....	\$471,288.00
7	To the Iowa state college of agriculture and	
8	mechanic arts .....	471,288.00
9	To the Iowa state teachers college.....	39,274.00

10 to be used for maintenance or buildings or other purposes by the state  
11 board of education as by law provided, and the board is hereby author-  
12 ized to distribute the excess in any sum named in this section to such  
13 funds in the same institution as, in their judgment, they may deem  
14 advisable.

15 The appropriations provided for in this section shall be paid on the  
16 order of the Iowa state board of education in monthly installments,  
17 beginning July 1, 1923, for the biennial period.

Approved April 19, A. D. 1923.

## CHAPTER 309

## SUPPORT FUNDS FOR STATE CHARITABLE, CORRECTIONAL AND PENAL INSTITUTIONS

S. F. 354

AN ACT making appropriations for the erection, repair and improvement of buildings, for appurtenances and connections thereto, for furniture, fixtures, furnishings and equipment, for the purchase of land, for the purchase of live stock, farm machinery and equipment, for establishing and maintaining industries, for the purchase of clothing, food, fuel and supplies, and for improvements, equipment and appliances needed in any or all of the institutions hereinafter named, to-wit: Soldiers' home, soldiers' orphans' home, juvenile home, institution for feeble-minded children, state sanatorium for the treatment of tuberculosis, training school for boys, training school for girls, Mount Pleasant state hospital, Independence state hospital, Clarinda state hospital, Cherokee state hospital, state hospital and colony for epileptics, state penitentiary, men's reformatory and women's reformatory.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
 2 state treasury, not otherwise appropriated, the sum of one million  
 3 three hundred eighty-eight thousand nine hundred dollars  
 4 (\$1,388,900.00), for the erection, repair and improvement of buildings,  
 5 for appurtenances and connections thereto, for furniture, fixtures,  
 6 furnishings and equipment, for the purchase of land, for the purchase  
 7 of live stock, farm machinery and equipment, for establishing and  
 8 maintaining industries, for the purchase of clothing, food, fuel and  
 9 supplies and for improvements, equipment and appliances needed in  
 10 any or all of the institutions hereinafter named, to-wit: Iowa soldiers'  
 11 home, Iowa soldiers' orphans' home, State juvenile home, Institution  
 12 for feeble-minded children, State sanatorium for the treatment of  
 13 tuberculosis, Training school for boys, Training school for girls,  
 14 Mount Pleasant state hospital, Independence state hospital, Clarinda  
 15 state hospital, Cherokee state hospital, State hospital and colony for  
 16 epileptics, State penitentiary, Men's reformatory and Women's Re-  
 17 formatory, Provided, however, that not more than six hundred ninety-  
 18 four thousand four hundred fifty dollars (\$694,450.00) of said appro-  
 19 priation shall be available for the period ending June 30, 1924, and  
 20 not more than six hundred ninety-four thousand four hundred fifty  
 21 dollars (\$694,450.00) shall be available for the period ending June 30,  
 22 1925.

1 SEC. 2. All money appropriated by this act shall be drawn from  
 2 the state treasury and expended in the manner provided by chapter  
 3 eleven-b (11-b), title thirteen (13), supplement to the code, 1913  
 4 (C. C. Title IX Ch. 1). Any balance remaining of any appropriations  
 5 after the object for which it was made has been accomplished may be  
 6 expended in the discretion of the board of control of state institutions  
 7 for any purpose connected with the institution for which the appro-  
 8 priation was made, and the board of control shall report within five  
 9 (5) days after the convening of the next general assembly the  
 10 amount transferred from each fund, as provided in this section, and  
 11 the amount of unexpended balances in the state treasury December  
 12 31, 1924.

1	SEC. 3. Of the appropriations made by this act the Iowa soldiers'	
2	home, at Marshalltown, shall receive sums as follows:	
3	For contingent and repair.....	\$30,000.00
4	For lectures, moving pictures, books, periodicals, music and band expense.....	1,500.00
5		1,500.00
6		\$31,500.00
1	SEC. 4. Of the appropriations made by this act the Iowa soldiers'	
2	orphans' home, Davenport, shall receive sums as follows:	
3	For contingent and repair.....	\$20,000.00
4	For rebuilding bath rooms in children's cottages .....	5,000.00
5	For fixtures, floors, wainscoting, plumbing, etc., enlarging cold storage rooms .....	800.00
6	For chaplain, lectures, amusements, books and periodicals .....	2,000.00
7	For dental, oculist, aurist, nose and throat treatments and necessary supplies.....	1,800.00
8		1,800.00
9		\$29,600.00
10	SEC. 5. Of the appropriations made by this act the juvenile home	
11	at Toledo shall receive sums as follows:	
12	For contingent and repair.....	\$ 8,000.00
13	For central heating plant, including pumps and machinery .....	25,000.00
14	For cold storage bins and freight supply depot to be located in connection with central heating plant .....	3,500.00
15	For laundry and equipment.....	15,000.00
16	For laying of water and sewer mains and continuance of outlets .....	10,000.00
17	For dormitory .....	50,000.00
18	For dental, oculist, aurist, nose and throat treatments and necessary supplies.....	1,500.00
19	For chaplain, lectures, amusements, books and periodicals .....	1,000.00
20		1,000.00
21		\$114,000.00
1	SEC. 6. Of the appropriations made by this act the institution for	
2	feeble-minded children at Glenwood shall receive sums as follows:	
3	For contingent and repair.....	\$ 35,000.00
4	For cottage and partial equipment—for 160 inmates—to replace two old dilapidated cottages .....	125,000.00
5	For cottage and equipment for 50 farm boys .....	35,000.00
6	For repairs to plumbing and changes in heating system .....	20,000.00
7	For chaplain, lectures, amusements, books and periodicals .....	1,500.00
8		1,500.00
9		\$216,500.00



1 SEC. 7. Of the appropriations made by this act the state sana-  
2 torium for the treatment of tuberculosis at Oakdale shall receive sums  
3 as follows:

4	For contingent and repair .....	\$25,000.00
5	For water softener .....	5,000.00
6	For chaplain, lectures, amusements, books, 7 etc. ....	1,500.00
8		<u>\$31,500.00</u>

1 SEC. 8. Of the appropriations made by this act the training school  
2 for boys at Eldora shall receive sums as follows:

3	For contingent and repair.....	\$20,000.00
4	For repairs to administration building .....	3,000.00
5	For boys, seven cottages, toilets and bath.....	3,500.00
6	For steam boilers .....	7,000.00
7	For equipment and supplies, educational dept.	2,000.00
8	For transportation of boys.....	1,200.00
9	For dental, oculist, aurist, nose and throat 10 treatments and necessary supplies.....	4,000.00
11	For chaplain, lectures, amusements, etc.....	1,200.00
12		<u>\$41,900.00</u>

1 SEC. 9. Of the appropriations made by this act, the training school  
2 for girls at Mitchellville shall receive sums as follows:

3	For contingent and repair.....	\$20,000.00
4	For enlarging power house .....	2,000.00
5	For furnishing for new cottage.....	5,000.00
6	For library .....	1,000.00
7	For music and musical instruments.....	1,000.00
8	For transportation of girls.....	1,000.00
9	For repairing green house.....	1,000.00
10	For chaplain .....	600.00
11	For victrola records and motion pictures.....	300.00
12		<u>\$31,900.00</u>

1 SEC. 10. Of the appropriations made by this act, the Mt. Pleasant  
2 state hospital, shall receive sums as follows:

3	For contingent and repair.....	\$30,000.00
4	For replacement of steam, hot and cold water 5 pipes, also repairs on service tunnel.....	10,000.00
6	For lectures, amusements, books and period- 7 icals .....	500.00
8	For employees' quarters.....	10,000.00
9		<u>\$50,500.00</u>

1 SEC. 11. Of the appropriations made by this act, the Independence  
2 state hospital at Independence shall receive sums as follows:

3	For contingent and repair.....	\$30,000.00
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1 SEC. 12. Of the appropriations made by this act the Clarinda state  
2 hospital at Clarinda shall receive sums as follows:

3	For contingent and repair.....	\$ 20,000.00
4	For hospital building and equipment.....	125,000.00

5	For completion of cow barn.....	7,000.00
6	For tubercular cottage, additional.....	8,000.00
7		<u>\$160,000.00</u>
1	SEC. 13. Of the appropriations made by this act, the Cherokee state	
2	hospital, Cherokee, shall receive sums as follows:	
3	For contingent and repair.....	\$30,000.00
4	For elevated tank for water supply.....	10,000.00
5	For canning unit not to exceed.....	3,000.00
6	For corn crib and granary.....	2,500.00
7	For hospital building to accommodate 200	
8	patients .....	150,000.00
9	For engine and generator.....	10,000.00
10		<u>\$205,500.00</u>
1	SEC. 14. Of the appropriations made by this act the state hospital	
2	and colony for epileptics at Woodward shall receive sums as follows:	
3	For contingent and repair.....	\$ 20,000.00
4	For cottage and equipment for girls.....	125,000.00
5	For southeast wing of employees' building....	19,000.00
6	For slaughterhouse and equipment.....	2,500.00
7	For one battery of two 260 H. P. boilers.....	20,000.00
8		<u>\$186,500.00</u>
1	SEC. 15. Of the appropriations made by this act the state peni-	
2	tentiary, Fort Madison, shall receive sums as follows:	
3	For contingent and repair.....	\$ 25,000.00
4	For transportation of prisoners and gift	
5	money .....	2,000.00
6	For dental, oculist, aurist, nose and throat	
7	treatments and necessary supplies.....	2,000.00
8	For lectures and concerts.....	2,000.00
9	For additional for cell house construction.....	135,000.00
10	For converting horse barn into duplex for	
11	employees .....	3,000.00
12		<u>\$169,000.00</u>
1	SEC. 16. Of the appropriations made by this act, the men's reform-	
2	atory at Anamosa shall receive sums as follows:	
3	For contingent and repair.....	\$20,000.00
4	For transportation of prisoners and gift	
5	money .....	5,000.00
6	For lectures, amusements, books and period-	
7	icals .....	1,000.00
8	For dental, oculist, aurist, nose and throat	
9	treatments and necessary supplies.....	2,500.00
10		<u>\$28,500.00</u>
1	SEC. 17. Of the appropriations made by this act, the women's re-	
2	formatory at Rockwell City shall receive sums as follows:	
3	For contingent and repair.....	\$12,000.00

1 SEC. 18. Of the appropriations made by this act there is hereby  
 2 appropriated the sum of fifty thousand dollars (\$50,000.00) to be used  
 3 in the discretion of the board of control of state institutions for any  
 4 or all of the following purposes: For the erection, repair and improve-  
 5 ment of buildings, for appurtenances and connections thereto, for fur-  
 6 niture, fixtures and furnishings and equipment therefor, for the pur-  
 7 chase of land, for the purchase of live stock, farm machinery and  
 8 equipment, for establishing and maintaining industries, for the pur-  
 9 chase of clothing, food, fuel and supplies and for improvements, equip-  
 10 ment and appliances needed in any or all of the institutions herein-  
 11 after named, to-wit: Iowa soldiers' home, Iowa soldiers' orphans'  
 12 home, Juvenile home, Institution for feeble-minded children, State  
 13 sanatorium for the treatment of tuberculosis, Training school for  
 14 boys, Training school for girls, Mount Pleasant state hospital, Inde-  
 15 pendence state hospital, Clarinda state hospital, Cherokee state hospi-  
 16 tal, State hospital and colony for epileptics, State penitentiary, Men's  
 17 reformatory and Women's reformatory.

1 SEC. 19. This act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the Des  
 3 Moines Capital and the Des Moines Register, newspapers published at  
 4 Des Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 25, 1923, and the Des Moines Register April 25, 1923.

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

## CHAPTER 310

DR. JOHN W. MARTIN

S. F. 668

AN ACT making an appropriation to compensate Dr. John W. Martin for professional  
 services rendered to C. W. Adams while a member of the national guard.

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

1 SECTION 1. There is hereby appropriated out of any money in the  
 2 state treasury not otherwise appropriated the sum of two hundred fifty  
 3 (\$250.00) dollars or so much thereof as may be necessary for the pur-  
 4 pose of compensating Dr. John W. Martin for medical and surgical  
 5 treatment of C. W. Adams, a member of the national guard, while in  
 6 the service of the state; the amount to be paid by warrant issued by  
 7 the auditor of state, upon the filing of an itemized, verified claim  
 8 filed with the auditor of state as provided by law.

Approved April 19, A. D. 1923.

## CHAPTER 311

## CENSUS

S. F. 751

AN ACT making an appropriation to the executive council for the purpose of collecting and tabulating the census for the year 1925 and expenses incident thereto.

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

1 SECTION 1. Census. There is hereby appropriated out of any  
2 money in the state treasury not otherwise appropriated, the sum of  
3 forty thousand (\$40,000.00) dollars to be expended by the executive  
4 council for the purpose of collecting and tabulating the census for the  
5 year 1925 and for proof reading and other necessary expenditures to  
6 carry into effect the provisions of chapter eight (8) of Title two (II)  
7 of the supplement to the code, 1913.

Approved April 19, A. D. 1923.

## SPECIAL ACTS

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### CHAPTER 312

#### TEMPLE OF JUSTICE FUND

H. F. 278

AN ACT to repeal section four (4), chapter three hundred thirty-six (336), and to amend section five (5) of chapter three hundred thirty-six (336), acts of the thirty-ninth general assembly, relating to war emergency and temple of justice funds.

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

1 SECTION 1. That the law as it appears in section four (4), chapter  
2 three hundred thirty-six (336), acts of the thirty-ninth general  
3 assembly, be and the same is hereby repealed.

1 SEC. 2. That section five (5), chapter three hundred thirty-six  
2 (336), acts of the thirty-ninth general assembly, be and the same is  
3 hereby amended by striking out of line four (4) of said section, the  
4 following word and figures, to wit: "July 1, 1923", and inserting in  
5 lieu thereof the following: "the general assembly of the state of Iowa  
6 shall have appropriated sufficient funds to build and complete a suit-  
7 able Temple of Justice building, and that said joint committee is  
8 hereby instructed to deposit with the executive council of the state,  
9 all records, plans and specifications pertaining to said Temple of  
10 Justice building for future reference".

1 SEC. 3. This act being deemed of immediate importance shall be  
2 in force and effect from and after its publication in the Des Moines  
3 Register and Des Moines Capital, newspapers published at Des Moines,  
4 Iowa.

Approved February 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
February 16, 1923, and the Des Moines Register February 17, 1923.

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

## CHAPTER 313

## STATE BOUNDARY COMMISSION

H. F. 450

AN ACT relating to a boundary commission, its powers and duties.

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

1 SECTION 1. The governor of the state of Iowa shall at once, upon  
2 the taking effect of this act, appoint a boundary commission consist-  
3 ing of three disinterested, competent persons. Such commission shall,  
4 when directed by the executive council, ascertain and report the facts  
5 relating to the existing boundary between the state of Iowa and ad-  
6 joining states.

1 SEC. 2. The boundary commission shall at once, upon its appoint-  
2 ment, proceed to ascertain and report the facts relating to the existing  
3 boundary between the states of Iowa and Nebraska so far as the same  
4 relate to the counties of Iowa and Nebraska bordering on, or through  
5 which the Missouri river flows, to report drafts of compacts or agree-  
6 ments to be entered into by the states in settlement of the said  
7 boundary, such reports to be made to the governors of the respective  
8 states for submission to the general assemblies for approval; this  
9 commission to remain in office until settlement is made between said  
10 states and the proper boundary determined, or the commission is  
11 sooner dissolved by the executive council. In presenting such com-  
12 pacts, the boundary commission of the state of Iowa shall preserve  
13 the boundary line as it now exists between the states of Iowa and  
14 Nebraska between the cities of Council Bluffs and Omaha at the point  
15 now commonly known as Carter's Lake.

1 SEC. 3. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Des Moines  
3 Register and Des Moines Capital, newspapers published at Des Moines,  
4 Iowa.

Approved February 20, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
February 21, 1923, and in the Des Moines Register February 22, 1923.

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

## CHAPTER 314

WALTER F. NELSON

S. F. 360

AN ACT authorizing the proper authorities of the state of Iowa, to issue a patent con-  
veying certain real estate located in Audubon county, Iowa, to Walter F. Nelson.

WHEREAS section sixteen (16), township seventy-eight (78), range  
thirty-five (35), west of the 5th P. M., Audubon county, Iowa, is one of

the sections of land granted by the United States to the state of Iowa for the use of schools, under act of congress approved March 3, 1845, and

WHEREAS it appears that the northeast quarter of said section sixteen (16), has at some time been platted into twelve (12) lots, numbered one (1), two (2), three (3), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), eighteen (18), nineteen (19) and twenty (20), and

WHEREAS it further appears that no record has been preserved of the said platting, nor of any of the proceedings had in connection therewith, and

WHEREAS, on the thirtieth (30th) day of November, 1860, the governor of the state of Iowa, Samuel Merrill, and Ed. Wright, secretary of state, issued to one Nathaniel Hamlin the patent of the state of Iowa, granting to the said Nathaniel Hamlin, lot nineteen (19), section sixteen (16), township seventy-eight (78), range thirty-five (35), containing ten acres, said patent being recorded in book "D", page five hundred sixty-nine (569), of the records of Audubon county, Iowa, and

WHEREAS, on the second (2nd) day of April, 1869, the governor of the state of Iowa, Samuel Merrill, and Ed. Wright, secretary of state, issued to one D. L. Anderson, the patent of the state of Iowa, granting to the said D. L. Anderson, lots twelve (12) and forty-five (45) of section sixteen (16), township seventy-eight (78), range thirty-five (35), containing twenty (20) acres, said patent being recorded in book "E", page three hundred fifty-four (354) of the records of Audubon county, Iowa, and

WHEREAS, it appears that lots twelve (12) and nineteen (19) of said section sixteen (16), township seventy-eight (78), range thirty-five (35), containing twenty (20) acres, are identical with and comprise the east half of the southwest quarter of the northeast quarter of said section sixteen (16), township seventy-eight (78), range thirty-five (35) west of the 5th P. M., and

WHEREAS, one Walter F. Nelson is now the owner of the said east half of the southwest quarter of the northeast quarter of section sixteen (16), township seventy-eight (78), range thirty-five (35), also known and described as lots twelve (12) and nineteen (19) of said section sixteen (16), and that he and those under whom he claims title have been in open and adverse possession thereof for more than forty years, but that the absence of any record relating to the platting thereof, casts a cloud upon his title thereto.

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

1 SECTION 1. That the governor and secretary of state, shall, in the  
2 name of the state of Iowa and under its seal, convey by patent to  
3 Walter F. Nelson, the following described real property, situated in  
4 Audubon county, state of Iowa, to wit: The east half of the southwest  
5 quarter of the northeast quarter of section sixteen (16), township  
6 seventy-eight (78) north, range thirty-five (35), west of the 5th  
7 P. M., also known and described as lots twelve (12) and nineteen  
8 (19) of the aforesaid section, township and range, and transfer to  
9 him any and all interest which the state of Iowa may have in and to  
10 said described real property, said patent to issue without expense to  
11 the state of Iowa.

Approved February 24, A. D. 1923.

## CHAPTER 315

## STATE LANDS

S. F. 568

AN ACT authorizing the executive council to exchange certain lands belonging to the state for other lands.

WHEREAS, the state of Iowa is the owner of the following described real estate, to-wit:

The south one-half ( $S\frac{1}{2}$ ) of section twenty-eight (28), north one-half ( $N\frac{1}{2}$ ) of the north one-half ( $N\frac{1}{2}$ ) of section thirty-three (33). North one-half ( $N\frac{1}{2}$ ) of the northeast quarter ( $NE\frac{1}{4}$ ) of section thirty-two (32). Southeast quarter ( $SE\frac{1}{4}$ ) and the south one-half ( $S\frac{1}{2}$ ) of the northeast quarter ( $NE\frac{1}{4}$ ) of section twenty-nine (29), all located in township seventy-nine (79) north, range twenty-five (25), west of the fifth P. M., Polk county, Iowa, less railway right of way of the C. M. & St. P. Ry. Company, successors of the St. Louis and Des Moines and Northern Railway company, all of said premises being known as the Flynn Farm; which land was used as a farm in connection with the penitentiary at Fort Madison, Iowa; and

WHEREAS, the thirty-ninth general assembly of Iowa passed an act known as chapter 325 authorizing the executive council to sell the aforesaid real estate either at public or private sale, and

WHEREAS, the said executive council have been unable to sell the said lands and the said land is no longer desired for use in connection with the penitentiary at Fort Madison, Iowa, and

WHEREAS, the insane hospital of Mount Pleasant, Iowa, is in great need of additional lands in connection with the said hospital, and the following described real estate is now being leased and used by the said institution for the benefit of the state of Iowa, namely:

The west one-half ( $W\frac{1}{2}$ ) of section one (1), township seventy-one (71) north, range six (6) west; and the southwest quarter ( $SW\frac{1}{4}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ) of section thirty-six (36), township seventy-two (72) north, and range six (6) west, in Henry county, Iowa, therefore

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

- 1 SECTION 1. That the executive council of the state of Iowa is
- 2 hereby authorized and empowered to exchange the following de-
- 3 scribed real estate, to-wit:
- 4 The south one-half ( $S\frac{1}{2}$ ) of section twenty-eight (28). North one-
- 5 half ( $N\frac{1}{2}$ ) of the north one-half ( $N\frac{1}{2}$ ) of section thirty-three (33).
- 6 North one-half ( $N\frac{1}{2}$ ) of the northeast quarter ( $NE\frac{1}{4}$ ) of section
- 7 thirty-two (32). Southeast quarter ( $SE\frac{1}{4}$ ) and the south one-half
- 8 ( $S\frac{1}{2}$ ) of the northeast quarter ( $NE\frac{1}{4}$ ) of section twenty-nine (29),
- 9 all located in township seventy-nine (79) north, range twenty-five
- 10 (25), west of the fifth P. M., Polk county, Iowa, less railway right of
- 11 way of the C. M. & St. P. Ry. company successors of the St. Louis and
- 12 Des Moines and Northern Railway company, all of said premises being
- 13 known as the Flynn Farm; for the following lands, to-wit:



14 The west one-half ( $W\frac{1}{2}$ ) of section one (1), township seventy-one  
 15 (71) north, and range six (6) west; and the southwest quarter  
 16 ( $SW\frac{1}{4}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ) of section thirty-six (36),  
 17 township seventy-two (72) north and range six (6) west; in Henry  
 18 county, Iowa; on such terms as said executive council shall deem  
 19 most advantageous to the state of Iowa.

1 SEC. 2. The governor and secretary of state are hereby authorized  
 2 to execute all necessary deeds of conveyance required to convey said  
 3 lands in Polk county, Iowa, and to accept deeds of conveyance and title  
 4 to the state of Iowa for the said lands in Henry county, Iowa, herein  
 5 described.

1 SEC. 3. This act being deemed of immediate importance shall take  
 2 effect and be in force from and after its passage and publication in  
 3 the Des Moines Register and the Des Moines Capital, newspapers pub-  
 4 lished in Des Moines, Iowa.

Approved March 21, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 March 22, 1923, and the Des Moines Register March 23, 1923.

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

## CHAPTER 316

### IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS

H. F. 270

AN ACT to make an emergency appropriation for the construction of an armory to take  
 the place of the one destroyed by fire at the Iowa state college of agriculture and  
 mechanic arts.

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

1 SECTION 1. Authority is hereby given to the state board of educa-  
 2 tion to replace the armory at Iowa State College which was destroyed  
 3 by fire in December, 1922. The new building to be built on the plans  
 4 and specifications of the one destroyed may be used temporarily to  
 5 accommodate any state activity connected with agriculture or agri-  
 6 cultural interests, and is to be an exact duplicate thereof except that  
 7 so far as practicable it shall be built of non-combustible material as  
 8 to the offices and storage portions, and the roofs of these shall be fire-  
 9 proof, and extra fire walls and doors may be placed as required in the  
 10 storage rooms. The roof of the main drill hall may be constructed of  
 11 non-combustible material in so far as this can be done at an added  
 12 cost of not to exceed five thousand dollars (\$5,000.00), provided the  
 13 additional weight would not endanger the arches in case of a fire  
 14 within a store room.

1 SEC. 2. There is hereby appropriated out of any money in the state  
 2 treasury not otherwise appropriated, to the Iowa State College of  
 3 Agriculture and Mechanic Arts, the sum of one hundred twenty-five

4 thousand dollars (\$125,000.00) or so much thereof as may be neces-  
 5 sary, as an emergency appropriation for the purposes indicated in  
 6 section one (1).

1 SEC. 3. The emergency appropriation provided in section two (2)  
 2 of this act shall be paid on the order of the Iowa state board of edu-  
 3 cation.

1 SEC. 4. This act, being deemed of immediate importance shall take  
 2 effect and be in full force from and after its publication in the Des  
 3 Moines Register and Des Moines Capital, newspapers published in Des  
 4 Moines, Iowa.

Approved March 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 March 24, 1923, and the Des Moines Register May 29, 1923.

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

## CHAPTER 317

MARTHA VIOLA NEEL

H. F. 489

AN ACT authorizing the issuance of a patent to certain lands in Dallas county, Iowa.

WHEREAS, the southeast quarter of the southeast quarter of section number twenty-three (23), (except two and one-half (2½) acres in the southeast corner) in township number eighty-one (81) north, of range number twenty-six (26) west of the fifth principal meridian in Dallas county, Iowa, together with other lands was granted by the United States to the state of Iowa, to aid in the improvement of the Des Moines river by act of congress approved August 8th, 1846, and

WHEREAS, by act of the general assembly of the state of Iowa, approved February 24th, 1847, and by act of the general assembly of the state of Iowa, approved January 18th, 1849, a board of public works was created to have general supervision of the work of improvement of the Des Moines river, and to have power to sell the lands donated for such improvement, and

WHEREAS, William Jacobs of Dallas county, Iowa, during the year 1857 did purchase and settle upon according to the provisions of said act of congress and acts of the general assembly of the state of Iowa, the southeast quarter of the southeast quarter of section number twenty-three (23), (except two and one-half (2½) acres in the southeast corner) in township number eighty-one (81) north, of range number twenty-six (26) west of the fifth principal meridian in Dallas county, Iowa, and

WHEREAS, by mistake a patent was executed by the state of Iowa to William Jacobs for the southwest quarter of the southeast quarter of said section number twenty-three (23), and

WHEREAS, a patent was issued by the state of Iowa covering the southwest quarter of the southeast quarter of said section number twenty-three

(23) to Bennett Hutchinson prior to the issuance of said patent to William Jacobs, and

WHEREAS, Martha Viola Neel is now the owner and claimant of the southeast quarter of the southeast quarter of said section number twenty-three (23) by chain of conveyances from said William Jacobs, and

WHEREAS, the southeast quarter of the southeast quarter of said section number twenty-three (23) is now held and occupied by Martha Viola Neel and has been so held and occupied by her prior and immediate grantors by actual open and adverse possession for more than fifty (50) years.

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

1 SECTION 1. The governor and secretary of state be, and are hereby  
2 authorized, empowered and directed in the name of the state of Iowa  
3 and under its seal, to convey by patent to Martha Viola Neel the fol-  
4 lowing described real estate in Dallas county, Iowa, to wit:  
5 The southeast quarter of the southeast quarter of section number  
6 twenty-three (23), (except two and one-half (2½) acres in the south-  
7 east corner) in township number eighty-one (81) north, of range  
8 number twenty-six (26) west of the fifth principal meridian. Said  
9 patent to issue without expense to the state.

Approved March 28, A. D. 1923.

## CHAPTER 318

### COMMON CARRIERS

H. F. 498

AN ACT to repeal section three (3), chapter two hundred eighty-four (284), acts of the thirty-seventh (37th) general assembly, as amended by chapter three hundred thirty-seven (337), acts of the thirty-ninth (39th) general assembly, and to enact a substitute in lieu thereof, relating to appropriation of funds to enable the board of railroad commissioners to continue the investigation of the valuation of the property of common carriers made by the interstate commerce commission.

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

1 SECTION 1. **Appropriation.** That the law as it appears in section  
2 three (3), chapter two hundred eighty-four (284), acts of the thirty-  
3 seventh (37th) general assembly, as amended by chapter three hun-  
4 dred thirty-seven (337), acts of the thirty-ninth (39th) general assem-  
5 bly, be and the same is hereby repealed and the following enacted in  
6 lieu thereof:  
7 There is hereby appropriated out of any funds in the state treasury  
8 not otherwise appropriated, the sum of six thousand six hundred  
9 sixty-six and 67/100 dollars (\$6,666.67), which sum, or so much there-  
10 of as may be necessary, shall be expended upon the order of the board  
11 of railroad commissioners to carry out the terms and provisions of  
12 this act until July 1, 1923; and thereafter there is hereby appropriated

13 the sum of twenty thousand dollars (\$20,000.00) annually for two  
 14 years, which sum, or so much thereof as may be necessary, shall be  
 15 expended upon the order of the board of railroad commissioners for  
 16 the purposes of carrying out the terms and provisions of this act.

1 **SEC. 2. Publication clause.** This act being deemed of immediate  
 2 importance shall take effect and be in force from and after its publi-  
 3 cation in the Des Moines Register and Des Moines Capital, news-  
 4 papers published at Des Moines, Iowa.

Approved April 2, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 3, 1923, and the Des Moines Register April 4, 1923.

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

## CHAPTER 319

### SCHOOLS AND SCHOOL DISTRICTS

H. F. 677

AN ACT relating to the levying, under certain conditions, of a schoolhouse tax by independent school districts and the issuing of certificates or bonds in anticipation of the collection of such tax and providing for a special schoolhouse fund.

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

1 **SECTION 1. Special schoolhouse fund.** That the board of directors  
 2 of any independent school district in which there is at the time of  
 3 taking effect of this act, under process of construction, a school  
 4 building or in which because of the destruction by fire prior to the  
 5 taking effect of this act, it is necessary to construct a school building,  
 6 or in which warrants issued for building, constructing, equipping or  
 7 furnishing a school building, are outstanding and unpaid, for the  
 8 completion or construction of such building, or for the payment of  
 9 such warrants, the funds of such district now provided by bonds  
 10 already voted, issued, or by tax receipts for the current year, or funds  
 11 for which it is possible to provide are inadequate, may, if a majority  
 12 of the votes cast are in favor of the proposition at an election in which  
 13 the proposition is submitted to the people, certify an amount not  
 14 exceeding twenty mills on the dollar of the taxable property of said  
 15 district, and for a period of years not exceeding fifteen, to the board  
 16 of supervisors; and the board of supervisors shall levy the amounts  
 17 so certified and for the years so designated and the tax so levied shall  
 18 be placed in a special schoolhouse fund, and used only for the purpose  
 19 of paying for the school site, the construction of said building and  
 20 the equipment thereof; or for the payment or settlement of such war-  
 21 rants so outstanding and unpaid, issued for building, constructing,  
 22 equipping or furnishing a school building; or for the purpose of pay-  
 23 ing bonds or certificates issued in anticipation of the tax so levied as  
 24 provided in this act.

1     **SEC. 2. Special election.** The election provided for in the preceding  
2 paragraph shall be called by the board of directors who shall fix the  
3 time and place thereof. Four (4) weeks' notice of such election shall  
4 be given by publication, once each week in some newspaper published  
5 in said district, or, if none be published therein, in some other part  
6 of the county in which said district is located, and also by posting in  
7 at least five (5) public places in said district for not less than ten (10)  
8 days next preceding such special election. Said posted and published  
9 notices shall set forth the time and place of holding such election  
10 and that the same will be held for the purpose of submitting to the  
11 voters of the district the proposition of voting for or against the levy  
12 of a special annual mill tax on all taxable property of the district to  
13 be used for the purpose of building, constructing, equipping or furnish-  
14 ing a school building or paying for a site thereof; or for paying or  
15 settling warrants issued for any of the above purposes. The notices  
16 shall set forth the number of mills on the dollar to be raised annually  
17 (but not exceeding the maximum number of mills in this act provided  
18 for) and the number of years for which it shall be levied (not exceed-  
19 ing the number of years in this act provided for.)

1     **SEC. 3. Ballots.** The president and secretary of the board, with  
2 one of the directors, shall act as judges of the election and at such  
3 election the ballot to be used shall be in substantially the following  
4 form:

	YES
	NO

5     Shall the .....  
6     levy a special annual tax of .....mills  
7     on the dollar for .....years, to be  
8     used for the purpose of building, con-  
9     structing, equipping or furnishing a  
10 school building or paying for a site thereof; or for paying or settling  
11 warrants issued for any of the above purposes.

1     **SEC. 4. Anticipation of tax.** Any such school district may antici-  
2 pate the collection of taxes authorized to be levied by this act, and  
3 for that purpose the board of directors of said district may issue  
4 certificates or bonds with interest coupons attached, to be respectively  
5 denominated special school building fund certificates or bonds of such  
6 school district. Said bonds or certificates and interest thereon, shall  
7 be secured by said taxes so levied, and shall be payable out of such  
8 special school fund, which shall be pledged to the payment of the  
9 same, and no bonds or certificates shall be issued in excess of taxes  
10 authorized or to be levied to secure the payment of the same. It shall  
11 be the duty of the said school district to collect said fund and to hold  
12 the said fund separate and apart in trust for the payment of said  
13 bonds or certificates and interest, and to apply the proceeds of said  
14 fund to the payment thereof.

1     **SEC. 5. Bonds.** Bonds or certificates issued pursuant to this act  
2 shall be substantially in the form provided for county bonds but sub-  
3 ject to such changes as will conform them to the action of the board  
4 providing therefor. Such bonds shall state on their face that they  
5 are payable only out of a special school fund to be derived from a  
6 special tax levy authorized by the district at an election held under  
7 this act. Such bonds shall run for not to exceed fifteen (15) years  
8 from the date thereof and may be sooner paid if so nominated in the

9 bond; shall be in denominations of not more than one thousand dol-  
 10 lars (\$1000.00) nor less than one hundred dollars (\$100.00) each and  
 11 bear a rate of interest not exceeding five (5) per cent per annum,  
 12 payable semiannually; shall be signed by the president and counter-  
 13 signed by the secretary of the board of directors and shall not be  
 14 disposed of for less than their par value. All of said bonds shall be  
 15 registered in the office of the county auditor and the actual expense  
 16 of engraving and printing the same may be paid out of the general  
 17 fund.

1 **SEC. 6. Proceeds of bonds.** In case of the issuance and sale of any  
 2 bonds and certificates authorized by this act, the proceeds thereof  
 3 shall not be used for any purpose other than these specified in section  
 4 1 hereof.

1 **SEC. 7. Tax limitation.** No schoolhouse tax shall be voted under  
 2 paragraph seven (7) of section twenty-seven hundred forty-nine  
 3 (2749) of the code except for such number of mills as ten (10) mills  
 4 shall be in excess of the number of mills levied in any one (1) year  
 5 under this act.

1 **SEC. 8. Limitation on election.** No election to be held under  
 2 authority of this act for authorizing any such special tax shall be held  
 3 on a date later than the first day of September, A. D., 1923.

1 **SEC. 9. Publication clause.** This act being deemed of immediate  
 2 importance shall be in full force and effect after its passage and publi-  
 3 cation in the Des Moines Register and the Des Moines Capital, news-  
 4 papers published in Des Moines, Iowa, without expense to the state.

Approved April 4, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 7, 1923, and the Des Moines Register April 9, 1923.

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

## CHAPTER 320

### SCHOOLS AND SCHOOL DISTRICTS

S. F. 735

AN ACT to authorize school corporations in which the school house has been or shall  
 be destroyed by fire prior to September 1, 1923, to call a special meeting to vote on  
 the question of issuing bonds to construct and equip a school house by giving one  
 week's notice by posting and by publication in one newspaper, also to provide the  
 notice for sale of bonds in certain cases.

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

1 **SECTION 1. Emergency election.** If in any school corporation the  
 2 school house has been or shall be destroyed by fire or any other cause  
 3 prior to September 1, 1923, the school board is hereby authorized to  
 4 call a special meeting of the voters for the purpose of submitting to  
 5 the voters of the school corporation the question of issuing bonds to

6 construct and equip a school house by giving seven days notice by  
7 posting and publication in one newspaper published within the school  
8 corporation, or if none be published therein, in the next nearest town  
9 or city in any county in which any part of the territory of the school  
10 corporation lies.

1 SEC. 2. **Petition.** Provided that before said indebtedness can be  
2 contracted in excess of one and one-fourth per cent ( $1\frac{1}{4}\%$ ) of the  
3 actual value of the taxable property of said school corporation, a peti-  
4 tion shall be filed signed by a number equal to twenty-five per cent  
5 of those voting at the last school election as provided by section  
6 twenty-eight hundred twenty-d-2 (2820-d2) supplement to the code  
7 1913, and when such petition is filed it shall be the duty of the presi-  
8 dent to call a meeting of the board which shall provide for calling  
9 such special election by fixing the time and place for holding such  
10 election and giving the notice as herein provided.

1 SEC. 3. Whenever any school corporation shall vote to issue bonds  
2 under the provision of this act in excess of twenty-five thousand dol-  
3 lars (\$25,000.00) or more, the advertisement for the sale of such  
4 bonds, published for one week in one official newspaper in the county  
5 and in at least one newspaper of general circulation in the state giving  
6 notice of the time and place of the sale of said bonds, the amount  
7 thereof to be offered for sale, and any further information which may  
8 be deemed pertinent, shall be sufficient; but in other respects the provi-  
9 sions of chapter one hundred seventy (170) acts of the thirty-ninth  
10 general assembly shall be followed in the sale of said bonds.

1 SEC. 4. **Interpreting clause.** Nothing in this act shall be construed  
2 to repeal any of the laws now in force, but shall be construed as sup-  
3 plemental thereto by providing that in certain cases a seven days'  
4 notice by posting and publication shall be sufficient for the purpose  
5 of calling a special election to issue bonds and publication of one  
6 notice shall be sufficient for the sale of bonds. In all other respects,  
7 said special election in said school corporation shall be conducted  
8 under the general provisions of the school laws.

1 SEC. 5. **Publication clause.** This act, being deemed of immediate  
2 importance, shall take effect and be in full force from and after its  
3 publication in the Des Moines Register and the Des Moines Capital,  
4 newspapers published at Des Moines, Iowa.

Approved April 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 10, 1923, and the Des Moines Register April 11, 1923.

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

## CHAPTER 321

## WILLSON ALEXANDER SCOTT

S. F. 517

AN ACT to provide for a marker and fence at the grave of Willson Alexander Scott and providing an appropriation therefor.

WHEREAS, the capital of Iowa was located at Des Moines, Iowa, by the commissioners selected for that purpose, and

WHEREAS, in the locating of the site therefor there was donated to the state of Iowa, by Willson Alexander Scott the greater part of a tract of land of ten acres in extent as capitol grounds, and

WHEREAS, said tract was accepted by the state of Iowa, and the present capitol is located thereon, and

WHEREAS, said Willson Alexander Scott died in Nebraska Territory during the year of 1857, and

WHEREAS, the said Willson Alexander Scott expressed a desire that he be buried upon his homestead, a town lot now a part of the capitol grounds of the state of Iowa, and

WHEREAS, in the year of 1859, the remains of the said Willson Alexander Scott were brought to Des Moines, Iowa, and interred on said lot southeast of the capitol on grounds overlooking the Des Moines valley, and

WHEREAS, the grave of said Willson Alexander Scott after remaining in a state of neglect for half a century and is unmarked save by a large boulder the historical department placed there in 1913 now resting thereon, and

WHEREAS, there is no inscription upon said boulder nor at the grave, and there is nothing at that place to indicate the burial place of the said Willson Alexander Scott, although the place is recorded in the historical department by the surveyor's notes showing courses and distances,

WHEREAS, it is deemed fitting and proper that the state of Iowa should show its respect and appreciation to the memory of the said Willson Alexander Scott by erecting or placing a suitable tablet or marker at his grave, therefore

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

1 SECTION 1. That there is hereby appropriated out of the funds of  
2 the state not otherwise appropriated, the sum of \$500.00, said sum  
3 to be expended by the historical department of Iowa, under the direc-  
4 tion of its board of trustees and with the approval of the executive  
5 council in preparing and placing a suitable memorial monument at  
6 the grave of the said Willson Alexander Scott, and in erecting some  
7 suitable barrier or other structure about said grave, provided that any  
8 gift or bequest the historical department may receive for the purpose  
9 of aiding in this expression of the state's regard shall be applied  
10 entirely toward carrying out the purposes of this act.

Approved April 10, A. D. 1923.



## CHAPTER 322

## STATE LANDS

H. F. 748

AN ACT to authorize the executive council to exchange certain lands belonging to the state for other lands located in Hancock county, Iowa.

WHEREAS, the state of Iowa is the owner of the land lying within the meandering lines in Wood lake in section twenty-four (24), township ninety-six (96), range twenty-five (25), west of fifth P. M. in Hancock county, Iowa and

WHEREAS, it is desired to exchange such land for other lands bordering on and lying next to Eagle lake in section twenty-four (24), township ninety-six (96), range twenty-five (25), west of the fifth P. M. in Hancock county, Iowa, therefore,

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

1 SECTION 1. That the executive council be and is hereby authorized  
2 and empowered to exchange all real estate belonging to the state and  
3 lying within the meandered line of Wood lake in section twenty-four  
4 (24), township ninety-six (96), range twenty-five (25), west of the  
5 fifth P. M., Hancock county, Iowa, for other lands in section twenty-  
6 four (24), township ninety-six (96), range twenty-five (25), west of  
7 the fifth P. M. in Hancock county, Iowa, bordering on Eagle lake.

1 SEC. 2. The governor and secretary of state are hereby authorized  
2 to execute all necessary deeds of conveyance and other papers required  
3 to convey the premises described above belonging to the state to the  
4 said present record title holder and to accept all proper deeds of  
5 conveyance and papers required for the purpose of transferring title  
6 to the lands belonging to the said present record title holder as de-  
7 scribed herein, to the state.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect from and after its publication in the Des Moines Register and  
3 the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 11, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 13, 1923, and the Des Moines Capital April 13, 1923.

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

## CHAPTER 323

## CITIES AND TOWNS

H. F. 582

AN ACT to provide for the issuance of city hall bonds in certain cities, and to authorize a tax levy to pay said bonds and interest thereon, being an act amendatory of sections seven hundred forty-one-d (741-d) to seven hundred forty-one-h (741-h), inclusive, of the supplemental supplement to the code, 1915, as amended by chapter one hundred eighty-two (182), acts of the thirty-seventh (37) general assembly.

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

1 SECTION 1. Any city which on January first (1), nineteen hundred  
2 twenty-two (1922), had a population of less than four thousand  
3 (4,000) and which, prior to said date, by a majority vote of its qual-  
4 ified electors, under section seven hundred forty-one-g (741-g), supple-  
5 mental supplement to the code, 1915, authorized an expenditure of  
6 forty thousand dollars (\$40,000) for the erection in said city of a  
7 city hall, and which city has been unable, because of the limitations  
8 contained in sections seven hundred forty-one-e (741-e) and seven  
9 hundred forty-one-f (741-f), supplemental supplement to the code,  
10 1915, as amended by chapter one hundred eighty-two (182), acts of  
11 the thirty-seventh (37) general assembly, to issue bonds to the full  
12 amount of forty thousand dollars (\$40,000), is hereby authorized to  
13 issue in the manner provided in section seven hundred forty-one-f  
14 (741-f), supplemental supplement to the code, 1915, as amended by  
15 chapter one hundred eighty-two (182), acts of the thirty-seventh  
16 (37) general assembly and notwithstanding any limitation contained  
17 in any of said sections, an additional amount of city hall bonds which,  
18 with the bonds heretofore issued by said city under said authorization  
19 of the voters will equal the sum of forty thousand dollars (\$40,000),  
20 provided said additional issue of bonds shall not exceed the sum of  
21 ten thousand dollars (\$10,000). Upon the issuance of such additional  
22 bonds, the council of said city shall have authority to levy, in such  
23 manner as it may deem fit, a tax sufficient to pay said additional bonds  
24 and interest accruing thereon.

1 SEC. 2. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Des Moines  
3 Register and in the Des Moines Capital, newspapers published in Des  
4 Moines, Iowa.

Approved April 13, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 14, 1923, and the Des Moines Register April 16, 1923.

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

## CHAPTER 324

## TAXATION

H. F. 824

AN ACT relating to soldiers' exemption and providing for a refund for taxes paid to the amount of the exemption for the year 1922.

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

1 SECTION 1. Exemption to soldiers, etc. Any honorably dis-  
2 charged soldier, sailor or marine or the widow remaining unmarried  
3 or the minor child or children of an honorably discharged soldier,  
4 sailor or marine of the Mexican war, the war of the rebellion, the  
5 war with Spain, the Chinese relief expedition, or the Philippine insur-  
6 rection who would have been entitled to an exemption under the provi-  
7 sions of section two (2) of chapter one hundred forty-four (144) of  
8 the acts of the thirty-ninth general assembly for the year 1922, had  
9 he, or she, or they, have claimed the same, shall be entitled at any  
10 time within one year from and after the taking effect of this act to  
11 claim such exemption and if the taxes assessed have not been paid,  
12 the amount of such exemption shall be allowed by the treasurer and  
13 if paid, the board of supervisors shall refund the amount paid to the  
14 person entitled to the same and such refunds shall be charged to the  
15 various funds in the same manner as other refunded taxes.

1 SEC. 2. Publication clause. This act being deemed of immediate  
2 importance shall be in full force and effect upon its publication in the  
3 Des Moines Register and Des Moines Capital, newspapers published  
4 in Des Moines, Iowa.

Approved April 14, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 16, 1923, and the Des Moines Capital April 16, 1923.

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

## CHAPTER 325

## OLD CAPITOL AT IOWA CITY

S. F. 316

AN ACT to make an emergency appropriation to complete the fireproofing and preservation of the old capitol at Iowa City, Iowa.

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

1 SECTION 1. There is hereby appropriated, out of any money in the  
2 state treasury not otherwise appropriated, to the Iowa state board of  
3 education, the sum of fifty thousand dollars (\$50,000.00), or as much  
4 thereof as may be necessary, as an emergency appropriation, for the

5 purpose of completing the fireproofing and preservation of the Old  
6 Capitol, located on the campus of the state university of Iowa.

1 SEC. 2. The work shall be done under the direction and control of  
2 the Iowa state board of education.

1 SEC. 3. Upon the completion of said work, the said Iowa state board  
2 of education shall make a report to the governor of the state showing  
3 the work as completed and containing a complete itemized statement  
4 of the cost in all its details.

1 SEC. 4. The emergency appropriation provided for in this act shall  
2 be drawn on the order of the Iowa state board of education.

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

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 18, 1923, and the Des Moines Register April 20, 1923.

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

## CHAPTER 326

### COMMISSION ON LAND TITLES

H. F. 818

AN ACT providing for the appointment by the governor of a commission on land titles,  
to serve without compensation, except actual necessary traveling expenses, and de-  
fining its duties.

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

1 SECTION 1. The governor shall at once upon the taking effect of  
2 this act, appoint a commission of five (5) persons, which commission  
3 shall serve without compensation, except actual necessary traveling  
4 expenses, which expenses shall be paid, upon the approval of the  
5 executive council in the manner provided by law, from the same ap-  
6 propriation as the expenses of other state officers and employes.

1 SEC. 2. It shall be the duty of the commission  
2 1. To make investigations and inquiries relative to the laws of  
3 the state of Iowa relating to the titles to and property rights in real  
4 estate,  
5 2. To investigate the laws of other states and countries relating  
6 to such matters, and  
7 3. To report in detail to the general assembly the results of such  
8 inquiries accompanied by such recommendations with reference to  
9 legislation and other matters as to the commission may seem right  
10 and proper.

1 SEC. 3. The report and recommendations referred to in section two  
2 (2) hereof to be made to the special session of the fortieth general  
3 assembly, if any, and if not, to the forty-first general assembly.

1 SEC. 4. The executive council is authorized to furnish such clerical  
2 help as in its judgment may seem necessary for the carrying out of  
3 the terms and provisions of this act, such clerical help to receive  
4 compensation as shall be fixed by the executive council to be paid as  
5 other salaries and compensation of employes of the state government.

1 SEC. 5. **Publication clause.** This act being deemed of immediate  
2 importance shall take effect from and after its publication in the Des  
3 Moines Register and the Des Moines Capital, newspapers published in  
4 Des Moines, Iowa.

Approved April 17, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 327

H. F. 813

### CONSOLIDATED INDEPENDENT SCHOOL DISTRICT OF CARPENTER

AN ACT authorizing the consolidated independent school district of Carpenter, in the  
counties of Worth and Mitchell, to issue its warrants in excess of the funds available,  
and authorizing a tax levy to pay the same.

WHEREAS, the secretary of the consolidated independent school district  
of Carpenter, in the counties of Worth and Mitchell, erroneously reported  
to the county auditors of Worth and Mitchell counties the number of per-  
sons of school age for the year 1922 as one hundred thirty-one (131) when  
in fact the actual number of persons of school age in said district was one  
hundred ninety-one (191); and,

WHEREAS, the amount permitted by law for the levy of the general fund  
of said district was nineteen thousand one hundred dollars (\$19,100.00)  
if the enumeration had been correctly reported; and,

WHEREAS, the school board of said district did certify that amount to  
the auditors of said counties which amount was not levied on account of  
the fact that the enumeration of the persons of school age was incorrectly  
reported as one hundred thirty-one (131); and,

WHEREAS, the amount raised by the levy made by the boards of super-  
visors is insufficient to keep the schools of said district in operation and  
enable the board of directors thereof to perform its contracts with teachers  
and other employes; and,

WHEREAS, the additional amount required is the sum of six thousand  
dollars (\$6,000.00); now therefore

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

1 SECTION 1. That the said consolidated independent school district  
2 of Carpenter, in the counties of Worth and Mitchell, is authorized  
3 to issue its warrants for the payment of the necessary expenses of  
4 the operation of the schools in said district, not to exceed in total  
5 amount the sum of six thousand dollars (\$6,000.00), and that the  
6 board of directors of said district shall certify such amount to the  
7 county auditors of the counties of Worth and Mitchell; and that the  
8 said boards of supervisors at the time of levying the taxes for the  
9 year 1923 as provided by law, shall levy upon the property within said  
10 school district and cause to be entered upon the tax lists a tax suffi-  
11 cient to raise the amount so certified, which levy shall be in addition  
12 to the levy for the general fund for the year 1923 and shall not be  
13 considered in determining the amount authorized by law to be raised  
14 for the general fund for said year.

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

Approved April 17, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 328

### STATE HIGHWAY COMMISSION

H. F. 831

AN ACT to provide more space for the engineering department of the Iowa state college without making an appropriation therefor, to provide offices for the state highway commission outside of the college buildings, and to provide for the acceptance of real estate donated by the citizens of Ames.

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

1 SECTION 1. **Office quarters—construction.** That in order to releasé,  
2 to the college, rooms which the state highway commission now occu-  
3 pies in college buildings, and thus avoid the construction of a like  
4 amount of space for offices and laboratories for the engineering depart-  
5 ment of the college, the said commission shall each year construct  
6 such office space as can be paid from the said commission's mainte-  
7 nance fund after setting aside a sufficient amount to meet the ordinary  
8 running expenses of the said commission for said year, payable from  
9 said fund. As rapidly as offices are constructed hereunder, the com-  
10 mission shall move its force from the college buildings and shall re-  
11 lease a like amount of space to the college. Provided that there shall  
12 be expended hereunder only such surplus as may remain in said com-  
13 mission's maintenance fund for the biennial period ending December,

14 1923 and for the biennial period ending December, 1925. The total  
 15 amount available for buildings under this act shall not exceed \$125,000  
 16 and not more than \$50,000 shall be expended in any one year, and  
 17 after the land has been acquired without expense to the state.

1 SEC. 2. Donations—acceptance. That should citizens of the city  
 2 of Ames donate to the state a suitable site in said city adjacent to  
 3 the sheds where government equipment is stored, the state highway  
 4 commission is authorized to accept such site in the name of the state  
 5 and to construct thereon the offices for said commission as herein  
 6 provided.

Approved April 18, A. D. 1923.

## CHAPTER 329

### STATE HIGHWAY COMMISSION

H. F. 573

AN ACT to authorize the purchase of real estate in the city of Ames, where excess war equipment is stored.

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

1 SECTION 1. The state highway commission is hereby authorized to  
 2 purchase the ground in the city of Ames, which it now occupies under  
 3 lease and uses for the storage of government equipment, and to pay  
 4 therefor not more than twelve thousand dollars (\$12,000.00) and to  
 5 take conveyance thereof in the name of the state of Iowa. Payment  
 6 for said land shall be made from the said commission's maintenance  
 7 fund. The real estate, the purchase of which is hereby authorized,  
 8 consists of a tract of approximately eighteen (18) acres and is more  
 9 particularly described as follows: All of lots one (1) and eight (8)  
 10 of the northeast quarter (NE $\frac{1}{4}$ ) of section ten (10), township eighty-  
 11 three (83), north, range twenty-four (24), west of the fifth (5th)  
 12 P. M., in the city of Ames, Story county, Iowa, lying west of the right  
 13 of way of the Chicago and Northwestern Railway; excepting the  
 14 north nine hundred eight (908) feet of the west two hundred forty  
 15 (240) feet of lot one (1); and excepting that part of lot one (1)  
 16 lying north of the north line of south Second Street produced east  
 17 from Nash's addition to the city of Ames, Iowa, described as follows:  
 18 commencing at a point thirty-three (33) feet south of the northeast  
 19 corner of section ten (10), township eighty-three (83), range twenty-  
 20 four (24), thence west along the south line of Lincoln Way two hun-  
 21 dred twenty (220) feet, thence south three hundred ninety-five and  
 22 eight-tenths (395.8) feet, thence east two hundred twenty (220) feet  
 23 to the east line of section ten (10), township eighty-three (83), range  
 24 twenty-four (24), thence north along said section line to point of  
 25 beginning.

1 SEC. 2. This act being deemed of immediate importance, shall take  
 2 effect and be in force from and after its publication in the Des Moines

3 Register and the Des Moines Capital, newspapers published in Des  
4 Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 330

### CODE REVISION

S. F. 753

AN ACT to repeal chapter three hundred thirty-three (333), acts of the thirty-ninth general assembly and to enact a substitute therefor, relating to the preparation, printing and distribution of a supplement to the compiled code and of amendments and revisions of code commissioners' bills, and to provide for the expense thereof, to make an appropriation therefor, and to fix and prescribe the duties of the committee on retrenchment and reform in relation thereto.

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

That chapter three hundred thirty-three (333), acts of the thirty-ninth general assembly, is repealed and the following is enacted in lieu thereof:

- 1 SECTION 1. **Supplement to compiled code.** The reporter of the  
2 supreme court shall without delay prepare a supplement to the com-  
3 piled code, which shall contain:
  - 4 1. The supplement to the compiled code of Iowa, 1921, insofar as  
5 the same has not been changed by the acts of the fortieth general  
6 assembly.
  - 7 2. A schedule or table showing each section of the compiled code  
8 which has been amended or revised by any act of the fortieth general  
9 assembly and indicating therein the chapter and section number of  
10 the act of said session which so amends or revises said section.
  - 11 3. A recompilation showing in final revised form, under the com-  
12 piled code titles and sections, every section of said code and of said  
13 supplement of 1921, which has been so amended or revised.
  - 14 4. A notation, in the form employed in the supplemental supple-  
15 ment to the code, 1915, of each repealed section of the compiled code  
16 and of the said supplement of 1921.
  - 17 5. All other acts of the fortieth general assembly which are of  
18 a general and permanent nature, arranging the same under appropriate  
19 titles and chapters of the compiled code.
- 1 SEC. 2. **Distribution.** One thousand five hundred (1500) copies  
2 of said supplement shall be printed, in the form and style of the com-  
3 piled code. The secretary of state shall, immediately after the publi-  
4 cation of said book, distribute the same to the persons, boards and  
5 commissions specified in section eight (8), chapter fifty (50), acts of  
6 the thirty-eighth general assembly and in addition fifty (50) copies  
7 shall be delivered to the reporter of the supreme court.



1     **SEC. 3. Code commission bills.** When and if the governor shall  
2 issue a proclamation convening the general assembly in an extraor-  
3 dinary session, the committee on retrenchment and reform shall pro-  
4 vide for the preparation of such amendments to, and revision of, the  
5 code commissioners' bills as will harmonize same with the legislative  
6 acts of the fortieth general assembly, and facilitate the work of code  
7 revision. Such amendments or revisions shall refer to the sections of  
8 the compiled code and to the final supplement heretofore provided for.

1     **SEC. 4. Printing.** The amendments to, or revision or reprinting  
2 of code commission bills shall be printed in such number as, in the  
3 judgment of the said committee, may be necessary.

1     **SEC. 5. Rooms and supplies.** The executive council shall supply  
2 suitable rooms and all supplies, including postage, necessary for com-  
3 pliance with the provisions of this act.

1     **SEC. 6. Duty of printing board.** The state printing board shall  
2 arrange for the printing and binding of said supplement, and of the  
3 said amendments to, or revision or reprinting of, the code commis-  
4 sioners' bills, in such time that the printing and binding may proceed  
5 as the copy is prepared.

1     **SEC. 7. Powers of committee.** The committee on retrenchment  
2 and reform is authorized to call upon the former code commissioners,  
3 or any of them, for assistance in carrying out the provisions of this  
4 act whenever in its judgment such course is deemed advisable, and  
5 until the final issuance of the code, is authorized to employ such as-  
6 sistants, clerical and other help as will be necessary to carry out the  
7 provisions of this act and to complete the code, including such assist-  
8 ants and help as will enable the reporter of the supreme court to  
9 perform his duties as such reporter. Said committee is authorized  
10 to fix the compensation of the reporter of the supreme court and of  
11 the former code commissioners, assistants, clerical and other help  
12 while engaged on such work. And upon such committee is conferred  
13 general supervisory authority and direction to see that the provisions  
14 hereof are promptly carried out.

1     **SEC. 8. Appropriation.** There is hereby appropriated, from any  
2 funds in the state treasury not otherwise appropriated, a sum suffi-  
3 cient to carry out the provisions of this act.

1     **SEC. 9. Publication clause.** This act being deemed of immediate  
2 importance shall be in full force and effect after its passage and publi-  
3 cation in the Des Moines Register and the Des Moines Capital, news-  
4 papers published at Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 21, 1923, and the Des Moines Register April 22, 1923.

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

## CHAPTER 331

## CITIES AND TOWNS

S. F. 725

AN ACT to authorize and empower the city council of Rock Rapids, Iowa, to transfer certain funds from the sewer fund and improvement fund of the city of Rock Rapids, Iowa, to the general fund of said city.

WHEREAS, the city of Rock Rapids, Iowa, is a city of the second class organized and operating under and by virtue of the general incorporation laws relating to municipal corporations in the state of Iowa; and

WHEREAS, through an error in the estimate of amount of money needed for the sewer fund of said city there was realized by the sale of bonds for sewer purposes the sum of eleven thousand (\$11,000.00) dollars in excess of the amount required; and

WHEREAS, said funds now in the sewer fund of the said city of Rock Rapids, Iowa, were not raised by tax or assessment for a special purpose under section 894 of the supplement, 1915 and amendments thereto; and

WHEREAS, there is in the improvement fund of said city of Rock Rapids, Iowa, the sum of fifty-four hundred (\$5400.00) dollars of which said amount the sum of five thousand (\$5,000.00) dollars was raised by the sale of bonds of the city of Rock Rapids, Iowa and was not raised by assessment or tax for special purposes under section 894 of the supplement to the code 1915; and

WHEREAS, there is no need for either of said funds at the present time and it is deemed advisable by the city council of the city of Rock Rapids, Iowa, that said funds be transferred to the general fund of said city for general city purposes; now therefore

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

1 SECTION 1. That the city council of the city of Rock Rapids, Iowa,  
2 is hereby authorized and empowered to transfer from the sewer fund  
3 of said city to the general fund of said city the sum of ten thousand  
4 (\$10,000.00) dollars not raised by a tax on property or assessment  
5 against property for special purposes and is empowered and author-  
6 ized to transfer from the improvement fund of said city to the general  
7 fund of said city the sum of four thousand (\$4,000.00) dollars not  
8 raised by taxation or assessment for special purposes and that said  
9 funds may be disbursed from the said general fund of said city the  
10 same as if said funds had originally been raised for said general fund.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Register, a newspaper published in the city of Des Moines, Iowa, and  
4 in the Rock Rapids Reporter, a newspaper published in the city of  
5 Rock Rapids, Iowa, without expense to the state.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 20, 1923, and the Rock Rapids Reporter April 26, 1923.

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

## CHAPTER 332

HON. JONATHAN P. DOLLIVER

S. F. 710

AN ACT to provide for a portrait of the Honorable Jonathan Prentiss Dolliver and making an appropriation therefor.

WHEREAS, the life and services of Jonathan Prentiss Dolliver have as yet not been commemorated through the acquisition by the state of a suitable portrait in the collections of the historical department, and

WHEREAS, the eminence of the public services of Mr. Dolliver, so well remembered by those living who were of mature mind when he died, ought to be taught in literature and to those now coming on and who shall follow us throughout the future of our beloved state.

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

1 SECTION 1. That there is hereby appropriated out of the funds of  
2 the state not otherwise appropriated, the sum of five hundred dollars  
3 (\$500.00) to be expended by the historical department under the  
4 direction of its board of trustees, for the painting of a portrait of  
5 Jonathan Prentiss Dolliver, provided that the entire amount together  
6 with the addition of any gift or bequest that may be made available  
7 to augment the fund, shall be paid out for the painting and for no  
8 other purpose, and provided further that the expense of framing,  
9 shipping and any ceremonial dedication be provided through the main-  
10 tenance funds of the historical department or from voluntary gifts for  
11 these specific ends.

Approved April 19, A. D. 1923.

## CHAPTER 333

STATE WARRANTS

S. F. 630

AN ACT invalidating certain state warrants and providing for the issuance of new warrants therefor.

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

1 SECTION 1. Warrants invalidated. All state warrants issued by  
2 the auditor of state on or before June 30, 1922 and which have not  
3 been redeemed by the treasurer of state on or before June 30, 1923  
4 are hereby declared invalid.

1 SEC. 2. New warrants issued. Upon the presentation to the treas-  
2 urer of state for redemption of a warrant issued prior to July 1, 1922  
3 he shall transmit same to the auditor of state who will issue a war-

4 rant payable to the treasurer of state and drawn against the same  
5 fund and in the same amount as the original warrant, noting thereon  
6 the number of the original warrant and name of payee. The auditor  
7 of state will retain the original warrant as a voucher covering the  
8 issuance of the new warrant.

1 **SEC. 3. Publication clause.** This act being deemed of immediate  
2 importance shall be in force and effect from and after its publication  
3 in the Des Moines Register and Des Moines Capital, newspapers pub-  
4 lished in Des Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 24, 1923, and the Des Moines Capital April 24, 1923.

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

## CHAPTER 334.

### SALARY ACT

S. F. 754

AN ACT fixing the number and compensation of employees in the state departments at  
the seat of government, and the compensation of certain officers, and providing for  
the payment of expenses of such officers and employees. Also providing for the mak-  
ing of reports by certain associations, corporations and requiring local peace officers  
to make reports to the department of agriculture.

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

1 **SECTION 1.** On and after July first, 1923, and until July first, 1925,  
2 the employees and their compensation in the various offices and depart-  
3 ments of the state at the seat of government, except where otherwise  
4 provided by law, shall not exceed the number herein named, and the  
5 compensation to each per annum for such employment shall be not  
6 exceeding the amounts as hereinafter fixed.

7 All salaries herein named are in lieu of all statutory salaries, for  
8 the positions named herein, including such salaries as are contained  
9 in any bills passed by the fortieth general assembly.

10 In all cases where salaries are based upon a sliding scale, the head  
11 of the department shall use discretion as to the amount of the salary  
12 he shall pay and shall not pay the high salary to new clerks and  
13 stenographers but shall place them on a graduated scale commensurate  
14 with ability and length of service, except those authorized by the  
15 committee on retrenchment and reform by and with the approval of  
16 the executive council.

1 **SEC. 2. For office of governor.**

2	Governor .....	\$6200.00
3	Governor for house rent.....	600.00
4	One secretary .....	2400.00
5	One pardon clerk.....	1800.00
6	One stenographer and file clerk.....	1300.00

7	One notarial clerk.....	1300.00
8	One messenger and usher.....	1200.00
1	<b>SEC. 3. For the office of executive council.</b>	
2	One secretary .....	\$3000.00
3	One assistant secretary.....	2400.00
4	One second assistant secretary.....	1500.00
5	One purchasing agent.....	1680.00
6	One supply room clerk.....	1200.00
7	One tax clerk.....	1200.00
8	One postmaster .....	1400.00
9	One clerk .....	1500.00
10	One store-room janitor.....	1200.00
11	One clerk .....	\$960.00 to 1200.00
12	One accountant .....	2400.00
13	One assistant accountant.....	1800.00
14	One second assistant accountant.....	1500.00
15	One third assistant accountant.....	1400.00
16	One board of conservation clerk.....	1800.00
1	<b>SEC. 4. For the office of secretary of state.</b>	
2	Secretary of State.....	\$4000.00
3	One deputy .....	2700.00
4	One chief clerk.....	2000.00
5	One superintendent of bond and investment de-	
6	partment .....	3000.00
7	One law clerk.....	1500.00
8	One code clerk .....	1500.00
9	Two clerks, each.....	1200.00
10	One corporation clerk.....	1500.00
11	Two stenographers, each.....	\$960.00 to 1200.00
12	The head of the department under which the motor vehicle depart-	
13	ment is placed, with the consent of the executive council shall appoint	
14	such help as may be necessary to carry out the provisions of the motor	
15	vehicle law and all salaries of the motor vehicle department shall be	
16	paid from that portion of motor vehicle fees which revert to the	
17	state of Iowa for the expense of the motor vehicle department.	
1	<b>SEC. 5. Office of treasurer of state.</b>	
2	Treasurer of state.....	\$4000.00
3	One deputy treasurer.....	2700.00
4	Cashier (whose bond shall be paid by the state)	2100.00
5	One bonus clerk.....	1400.00
6	One collateral clerk.....	1500.00
7	One bookkeeper .....	2400.00
8	One general clerk.....	1200.00
9	One special clerk.....	1200.00
10	One stenographer .....	\$960.00 to 1200.00
11	One watchman and messenger.....	1200.00
12	(ten dollars per month additional when he fur-	
13	nishes use of automobile while on messenger	
14	service.)	
15	For additional clerical assistance and contingent	1,200.00
16	For collection of inheritance tax:	
17	One chief examiner .....	2100.00

18	Four traveling examiners, each, and traveling	
19	expenses .....	1800.00
20	One chief clerk.....	1500.00
21	One file clerk.....	1500.00
22	Three stenographers, each.....	\$960.00 to 1200.00
23	For cigarette revenue department:	
24	Superintendent .....	2400.00
25	Chief clerk .....	1500.00
26	Order clerk .....	1500.00
27	Shipping clerk .....	1500.00
28	General clerk .....	1200.00
29	Two stenographers, each.....	\$960.00 to 1200.00

1 **SEC. 6. For the office of auditor of state.**

2	Auditor of state.....	\$4000.00
3	One deputy auditor.....	2700.00
4	One chief clerk of revenue department.....	2400.00
5	One chief clerk of county accounting department.....	2400.00
6	One chief clerk municipal accounting and build-	
7	ing and loan dept.....	2400.00
8	One assistant accountant.....	2000.00
9	One general clerk .....	1700.00
10	One warrant clerk.....	1400.00
11	One assistant warrant clerk.....	\$960.00 to 1200.00
12	One stenographer and clerk.....	960.00 to 1200.00
13	One clerk and janitor.....	1080.00 to 1500.00
14	For the board of audit:	
15	One voucher clerk.....	1400.00
16	Two clerks, each.....	\$960.00 to 1200.00

17 The accountants in the municipal accounting department and the  
18 county accounting department, and the examiners of the building and  
19 loan associations, shall receive per diem \$7.00 to be paid by the county  
20 or municipality, or building and loan association examined, together  
21 with actual expense while making examinations.

1 **SEC. 7. For office of attorney general.**

2	Attorney general .....	\$5,000.00
3	One assistant attorney general.....	4,000.00
4	Three assistant attorneys general, each.....	3,600.00
5	One assistant attorney general.....	3,000.00
6	One secretary .....	2,000.00
7	Four stenographers, each.....	\$960.00 to 1,200.00

8 All special agents or inspectors now employed under the super-  
9 vision of the secretary of state in the enforcement of the motor vehicle  
10 law and all special agents or inspectors employed under the super-  
11 vision of the treasurer of state in the enforcement of the provisions  
12 of the cigarette law and all special agents or inspectors to be appointed  
13 in connection with the supervision and enforcement of the gasoline  
14 tax law enacted by the 40th general assembly are hereby transferred  
15 to the department of justice and placed under the supervision and  
16 control of the attorney general.

17 All the power and authority now provided by law in connection  
18 with the appointment of such special agents and inspectors and all  
19 power and authority now vested in the secretary of state and the  
20 treasurer of state with respect to the enforcement of the provisions

21 of the cigarette law, motor vehicle law and gasoline tax law through  
 22 such inspectors is hereby transferred to and imposed upon the attor-  
 23 ney general. The term of employment of each employe now employed  
 24 under the provisions of said laws shall cease and terminate on July 1,  
 25 1923. The attorney general shall designate and provide a list of the  
 26 employes with salaries and including necessary clerical help and shall  
 27 submit such list to the retrenchment and reform committee for ap-  
 28 proval. The total salaries, exclusive of expenses of such employes  
 29 shall not exceed the sum of seventy-five thousand (\$75,000.00) dol-  
 30 lars. Twenty thousand (\$20,000.00) dollars of such budget shall be  
 31 paid from the proceeds derived by the state under the provisions of  
 32 the cigarette law of the state and fifty-five thousand (\$55,000.00)  
 33 dollars or such part thereof as necessary shall be paid from that por-  
 34 tion of the motor vehicle fees set aside for the maintenance of the  
 35 motor vehicle department in the office of the secretary of state. Pro-  
 36 vided, further, that the attorney general may call upon any peace  
 37 officer of this state to make reports, inspections and investigations in  
 38 connection with the enforcement of the motor vehicle and cigarette  
 39 laws of this state, and failure to make such reports, inspections and  
 40 investigations shall constitute removable misconduct in office.

1     **SEC. 8. For the office of board of control.**

2	Three members, each.....	\$4000.00
3	One secretary .....	3000.00
4	One architect .....	3600.00
5	One accountant .....	2200.00
6	One assistant accountant.....	1800.00
7	One assistant accountant.....	1600.00
8	One purchasing agent.....	2500.00
9	One estimate clerk.....	1500.00
10	One statistician .....	1500.00
11	One parole clerk.....	1500.00
12	One file clerk.....	1500.00
13	Six stenographers, each.....	\$960.00 to 1200.00
14	One storekeeper and clerk.....	1500.00
15	One draftsman .....	1800.00
16	Seven state agents, each.....	\$1000.00 to 1320.00
17	and necessary expenses of said state agents,	
18	forty dollars per month additional when a	
19	state agent does not reside at the institution.	

1     **SEC. 9. Supreme court.**

2	Seven judges of the supreme court, each.....	\$6000.00
3	One bailiff .....	1320.00
4	Seven stenographers, each.....	\$960.00 to 1500.00

1     **SEC. 10. For the office of clerk of the supreme court.**

2	Clerk of supreme court.....	\$3000.00
3	One deputy clerk .....	2000.00
4	One brief and file clerk.....	1600.00
5	One general clerk.....	\$960.00 to 1200.00
6	One messenger and janitor.....	1200.00

1     **SEC. 11. Supreme court reporter.**

2	Reporter for supreme court.....	\$4000.00
3	Deputy reporter .....	2400.00

4	Law clerk .....	1500.00
5	Proof reader .....	1500.00

1     **SEC. 12. For the office of adjutant general.**

2	Adjutant general .....	\$3000.00
3	Assistant adjutant general.....	2200.00
4	Record clerk .....	1200.00
5	United States property and disbursing officer...	1500.00
6	One voucher clerk and bookkeeper.....	1080.00
7	One national guard record clerk.....	\$960.00 to 1200.00
8	One filing clerk.....	960.00 to 1200.00
9	Two stenographers, each.....	960.00 to 1200.00
10	One chief clerk.....	1800.00

11     All salaries connected with the office of adjutant general and quar-  
12     termaster's department are payable out of the appropriations for the  
13     guard, the adjutant general by and with the approval of the governor  
14     is authorized to employ in his office and quartermaster department  
15     such additional help as be necessary for such time and such compen-  
16     sation as the governor may prescribe.

1     **SEC. 13. For the office of custodian.**

2	One assistant custodian and engineer.....	\$2400.00
3	One first assistant engineer.....	1725.00
4	One second assistant engineer.....	1610.00
5	One machinist and electrician.....	2325.00
6	One assistant machinist.....	1610.00
7	One carpenter .....	1725.00
8	Four capitol police.....	1500.00
9	One extra engineer.....	1610.00
10	One chief fireman.....	1610.00
11	One florist .....	1610.00
12	Five firemen, each.....	1500.00
13	One painter .....	1900.00
14	Two yardmen, each .....	1200.00
15	Four guards, each.....	600.00
16	One janitor foreman.....	1200.00
17	One matron .....	1200.00
18	One fireman, Bryant school building.....	1500.00
19	For removal of snow and extra help.....	500.00
20	For allowance for washing towels.....	300.00
21	For caretaker service.....	20,000.00
22	Not over \$100.00 per month per man.	

1     **SEC. 14. For state board of education.**

2	Three members of the finance committee, each.....	\$3600.00
3	Additional for secretary.....	400.00
4	One auditor .....	2000.00
5	One chief clerk.....	1500.00
6	One statistical clerk.....	1300.00
7	Two stenographers, each.....	\$960.00 to 1200.00

1     **SEC. 15.** The members of the board of education shall receive  
2     \$10.00 per day and their actual expenses, not exceeding sixty (60)  
3     days in any one year.

1     **SEC. 16. Office of superintendent of public instruction.**

2	Superintendent of public instruction.....	\$4000.00
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3	One deputy superintendent.....	2700.00
4	One chief clerk .....	1800.00
5	Two inspectors, each (and their actual expenses) .....	2700.00
6	Four stenographers, each.....\$960.00 to	1200.00
7	Janitor and shipping clerk.....	960.00 to 1200.00
8	<i>For board of educational examiners</i>	
9	The salaries and expenses of all persons under the head "For board	
10	of educational examiners" shall be paid from the fees of the treasury	
11	derived from conducting examinations and the issuance of certificates	
12	and diplomas.	
13	One secretary .....	2000.00
14	All members of the board, other than those drawing a salary from	
15	the state shall receive a per diem of \$4.00 and their necessary ex-	
16	penses.	
17	Examiners shall receive an hourly wage not to	
18	exceed .....	.75
19	One clerk .....	1200.00
20	Two stenographers, each.....\$960.00 to	1200.00
21	and other necessary clerical help at not to ex-	
22	ceed fifty cents (50c) per hour.	
1	<b>SEC. 17. State general library.</b>	
2	Librarian .....	\$3000.00
3	One assistant .....	2000.00
4	One assistant .....	1700.00
5	One assistant .....	1400.00
6	One cataloguer .....	1900.00
7	One accountant and bookkeeper.....	1600.00
8	One clerk .....	1500.00
9	One janitor .....	1200.00
10	Two apprentices, each.....	600.00
11	<i>State library, medical department.</i>	
12	Under the provisions of chapter 367, acts of the thirty-eighth gen-	
13	eral assembly:	
14	One librarian .....	2000.00
15	One assistant librarian .....	1400.00
16	<i>State law library.</i>	
17	One law librarian.....	3000.00
18	One assistant law librarian.....	2400.00
19	One assistant in law department.....	1200.00
20	One research assistant.....	2000.00
21	One law library custodian.....	1200.00
22	<i>State library, legislative reference department.</i>	
23	One reference librarian .....	1650.00
24	One assistant .....	600.00
1	<b>SEC. 18. Library commission.</b>	
2	One secretary .....	\$2400.00
3	One librarian of the traveling library.....	1500.00
4	One reference librarian .....	1500.00
5	One organizer .....	\$960.00 to 1500.00
6	One cataloguer .....	960.00 to 1500.00
7	Two clerks and stenographers, each .....	960.00 to 1200.00
8	One record clerk.....	1200.00

9	Two shipping clerks, each.....	240.00
10	One apprentice .....	750.00

1     **SEC. 19. For historical department.**

2	One curator .....	\$3600.00
3	One assistant curator and librarian.....	1700.00
4	One assistant curator and superintendent of public archives .....	2400.00
5	One assistant curator .....	2400.00
6	Four assistant curators, each.....	1400.00
7	Three clerks, each.....	\$960.00 to 1400.00
8	Two stenographers, each .....	960.00 to 1200.00
9	Six guards, each .....	600.00
10		

1     **SEC. 20. Office of railroad commissioners.**

2	Three railroad commissioners, each.....	\$3600.00
3	One secretary .....	2820.00
4	One chief rate clerk.....	2520.00
5	One ass't rate clerk.....	1920.00
6	One ass't rate clerk.....	1800.00
7	One reporter .....	2400.00
8	One chief clerk .....	1920.00
9	One tariff clerk and stenographer.....	1300.00
10	One statistician .....	2000.00
11	One signal engineer .....	2400.00
12	One electrical engineer .....	2700.00
13	One file clerk .....	1320.00
14	Two stenographers, each.....	\$960.00 to 1200.00

15     The foregoing provisions as to the office of railroad commissioners  
16 shall be so construed as not to repeal or affect the law as it appears  
17 in section 2111 of the code and acts amendatory thereto.

1     **SEC. 21. Office of commerce counsel.**

2	Commerce counsel .....	\$5000.00
3	One assistant commerce counsel.....	2700.00
4	One law clerk .....	2100.00
5	One clerk .....	\$960.00 to 1500.00
6	One stenographer .....	960.00 to 1200.00

1     **SEC. 22. For the office of superintendent of banking.**

2	One superintendent of banking.....	\$4000.00
3	One deputy superintendent .....	3000.00
4	One legal clerk .....	1950.00
5	Chief clerk and special examiner.....	2700.00
6	Two stenographers and assistants, each .....	\$960.00 to 1500.00
7	One clerk .....	1320.00
8	Twelve examiners .....	1800.00 to 3000.00
9	and expenses as provided by chapter 335, acts of the thirty-eighth general assembly.	
10		

11     The provisions as to the employees in the office of the superinten-  
12 dent of banking shall be so construed as not to repeal or affect the  
13 law as it appears in chapter 335, acts of the 38th general assembly.  
14

1     **SEC. 23. Office of insurance commissioner.**

2	Insurance commissioner .....	\$4000.00
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3	One deputy commissioner .....	2700.00
4	One actuary not to exceed.....	5000.00
5	One security clerk (whose bond shall be paid	
6	by the state).....	2700.00
7	One assistant clerk .....	1600.00
8	One fee clerk .....	1800.00
9	One general clerk .....	1600.00
10	One chief examiner .....	3000.00
11	Five stenographers, each.....\$960.00 to	1200.00
12	One clerk and janitor.....	1200.00
13	Fifteen examiners, each at a per diem not ex-	
14	ceeding \$10.00 and their necessary expense.	
15	One certificate clerk .....	1500.00
16	One file clerk .....	1080.00
17	One policy examiner .....	2100.00
18	One complaint clerk .....	2100.00

19 The foregoing provisions as to the employees in the office of the  
 20 insurance commissioner shall be so construed as not to repeal or affect  
 21 the law as it appears in section 1683-r2 supplement to the code, 1913.

1 **SEC. 24. For the office of labor commissioner.**

2	Labor commissioner .....	\$3000.00
3	Deputy commissioner .....	2000.00
4	Three factory inspectors, each.....	1800.00
5	One chief clerk employment service.....	1800.00
6	One clerk at Sioux City office.....	1800.00
7	One statistician .....	1800.00
8	One department clerk .....	\$960.00 to 1200.00
9	One stenographer .....	960.00 to 1200.00

1 **SEC. 25. Office of industrial commissioner.**

2	Industrial commissioner .....	\$3600.00
3	One deputy .....	2700.00
4	One secretary .....	2000.00
5	One chief clerk .....	1400.00
6	Four stenographers and clerks, each \$960.00 to	1200.00
7	For medical counsel.....	1200.00

1 **SEC. 26. State board of health.**

2	Four members each shall receive the actual cost	
3	of their transportation and.....	\$ 600.00
4	One secretary .....	3000.00
5	One assistant secretary .....	1500.00
6	One chief clerk .....	1500.00
7	One sanitary engineer .....	2500.00
8	One anti-toxin clerk .....	1200.00
9	Two clerks, each .....	1200.00
10	One bookkeeper .....	1200.00
11	4 vital statistics clerks under the provisions of	
12	and payable out of the fund provided in chap-	
13	ter 222, acts of the thirty-ninth general	
14	assembly, each .....	\$960.00 to 1200.00
15	1 janitor clerk .....	1200.00

1 **SEC. 27. For pharmacy commission.**

2 Three members, each shall receive their actual hotel bills, costs of

3	transportation and a per diem of \$10.00 not exceeding 25 days in any	
4	one quarter or ninety days in the year.	
5	One secretary-treasurer .....	\$2100.00
1	<b>SEC. 28. For the office of mine inspector.</b>	
2	Three inspectors, each.....	\$2700.00
3	and actual traveling expenses, not exceeding	
4	\$750.00 per year.	
5	One secretary .....	2000.00
6	<i>State board of mine examiners.</i>	
7	Five examiners, per day actually employed.....	5.00
8	with necessary traveling expenses, but in no	
9	case shall the per diem exceed \$350.00 in any	
10	one year.	
1	<b>SEC. 29. For the office of fire marshal.</b>	
2	One fire marshal .....	\$2700.00
3	One deputy .....	2000.00
4	Two assistant deputies, each.....	1800.00
5	One stenographer and clerk.....	1500.00
1	<b>SEC. 30. Fish and game department.</b>	
2	Warden .....	\$2700.00
3	Two deputy wardens, each.....	1600.00
4	One game farm keeper.....	1650.00
5	Special deputy wardens shall receive a per diem	
6	of .....	\$3.00 to 5.00
7	One secretary .....	1800.00
8	One stenographer .....	960.00 to 1200.00
9	All employees of the fish and game department shall receive their	
10	actual expenses while away from their homes on duty.	
11	All the above salaries shall be paid from the fish and game protec-	
12	tion fund.	
1	<b>SEC. 31. For the office of the board of parole.</b>	
2	Three members, each.....	\$3000.00
3	and expenses when visiting state institutions.	
4	One secretary .....	2400.00
5	Two parole agents, each.....	2000.00
6	One file clerk.....	1500.00
7	Two stenographers, each.....	\$960.00 to 1200.00
1	<b>SEC. 32. For the department of agriculture.</b>	
2	Secretary of agriculture.....	\$ 4000.00
3	Salary budget per year.....	150,000.00
4	The list of employees with salaries shall be prepared by the secre-	
5	tary of agriculture and approved by the retrenchment and reform	
6	committee. The total salaries, exclusive of that of the secretary of	
7	agriculture, not to be in excess of the budget of \$150,000.00 provided.	
8	In addition the employees of the department shall receive their actual	
9	and necessary traveling expenses. All employees to be paid out of	
10	the appropriation provided in this act, and all fees collected as pro-	
11	vided by law shall be paid into the general fund of the state treasury;	
12	provided, that the salary and expenses of all veterinarians working	
13	under the provisions of chapter 287 acts of the 38th general assembly	
14	shall be paid out of the appropriation therein provided; provided, fur-	

15 ther, that each inspector may be required to perform the duties of  
 16 hotel, oil, food, dairy, cream, butter or other inspections as may be  
 17 provided under any of the laws of this state relating to the duties  
 18 of the secretary of agriculture. Provided, further, that any associa-  
 19 tion or corporation now receiving aid from the state or from any  
 20 county of the state shall be required to furnish the secretary of agri-  
 21 culture with such information and reports as he shall from time to  
 22 time require. Failure to furnish such information and reports shall  
 23 forfeit the state or county aid provided for such association or cor-  
 24 porations.

25 Local peace officers may be required to make inspections by the  
 26 secretary of agriculture and to report the result thereof to him. All  
 27 expense connected with such inspections to be borne by the county  
 28 or city, as the case may be.

1 SEC. 33. Geological survey.

2 Secretary .....\$1800.00

1 SEC. 34. All employees provided for in this act shall devote their  
 2 entire time to the service of the state, except that this requirement  
 3 shall not be interpreted to prevent the allowance of a reasonable vaca-  
 4 tion, such vacation to be had at the discretion of the head of the de-  
 5 partment or commission interested, and in no case to exceed two  
 6 weeks in any one year.

1 SEC. 35. All janitors employed under the provisions of this act  
 2 shall at all times be subject to the orders of the custodian or assistant  
 3 custodian to perform any additional service, by way of rendering  
 4 assistance to the state house engineers, carpenters, supply depart-  
 5 ment or any other labor that may be necessary about the capitol  
 6 grounds, at such hours as they are not necessarily employed in their  
 7 regular janitor work and it shall be the duty of the custodian or  
 8 assistant custodian to assign such janitors to any such extra service  
 9 and he shall discharge any janitor for incompetence, inability to per-  
 10 form a reasonable amount of service of the character required, neglect  
 11 of duty or insubordination.

12 All clerks, janitors, and other employees named in this act shall be  
 13 under the control of the head of the department, or deputy acting  
 14 as such, and may by him be transferred to such work as he shall  
 15 direct in assisting other clerks or elsewhere in the different branches  
 16 of the service of the department, and any head of a department may  
 17 at any time discharge any clerk or other employee in such a depart-  
 18 ment for neglect of duty, insubordination or incapacity.

1 SEC. 36. No additional help shall be employed by the head of any  
 2 department without first having received the approval of the commit-  
 3 tee on retrenchment and reform. The employees and extra help  
 4 provided for in the various offices and the additional compensation for  
 5 services provided in this act shall at all times be subject to reduc-  
 6 tion, limitation or other disposition by the committee on retrenchment  
 7 and reform, whenever such committee shall find that the number of  
 8 employees and the amount of additional help and compensation for  
 9 the purposes named in this act should be reduced, eliminated or  
 10 changed from one office to another and an order made by said com-  
 11 mittee, and a copy thereof filed with the department whose employees

12 or help or compensation for help shall be reduced or changed and  
 13 filed with the auditor of state shall be sufficient to prevent further  
 14 expenditures for such employees, help or service. The retrenchment  
 15 and reform committee in making an order furnishing any clerical  
 16 assistance or expending any money for any other state purpose herein  
 17 provided for shall enter the same in its records filed in the office of the  
 18 secretary of state and file a copy of said order with the department  
 19 affected, and with the auditor of state.

1 SEC. 37. There is hereby appropriated out of any funds in the  
 2 treasury not otherwise appropriated, sufficient funds to pay the sal-  
 3 aries per diem and expenses as herein provided: Provided, however,  
 4 that nothing in this section shall be construed as an appropriation  
 5 of money herein mentioned that is provided for by existing appro-  
 6 priations for any department.

1 SEC. 38. This act being deemed of immediate importance shall take  
 2 effect and be in full force on and after July 1, 1923, and shall be pub-  
 3 lished in the Des Moines Register, a newspaper published in Des  
 4 Moines, Iowa, and the Des Moines Capital, a newspaper published in  
 5 Des Moines, Iowa.

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
 April 25, 1923, and the Des Moines Capital April 25, 1923.

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

## CHAPTER 335

### INSURANCE TAX REFUND

S. F. 509

AN ACT to amend the law as it appears in chapter three hundred ten (310), acts of the  
 thirty-ninth (39) general assembly, relating to the appropriation for refund of taxes  
 paid by certain insurance companies; providing for the refund of taxes paid by cer-  
 tain insurance companies upon reinsurance premiums, and making appropriations  
 therefor.

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

1 SECTION 1. That section one (1) of chapter three hundred ten  
 2 (310), acts of the thirty-ninth (39) general assembly, be and the  
 3 same is hereby amended by adding, after the first paragraph of such  
 4 said section one (1), the following: "Any unexpended portion of such  
 5 appropriation may be used to pay claims for taxes erroneously col-  
 6 lected subsequent to the year 1913, upon reinsurance premiums, the  
 7 tax upon which premiums had already been collected by the state of  
 8 Iowa, and there is appropriated out of the state treasury so much of  
 9 the unexpended balance of said sum of one hundred twenty-five thou-  
 10 sand dollars (\$125,000) as may be necessary to pay these claims; pro-  
 11 vided, however, that this section shall not apply to premiums taxed  
 12 under and by virtue of the retaliatory provisions of the laws of the

13 state. Claims for such refunds shall be made upon blanks furnished  
14 by the commissioner of insurance."

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

Approved April 19, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 24, 1923, and the Des Moines Capital April 24, 1923.

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

## CHAPTER 336

### STATE LANDS

H. F. 815

AN ACT to repeal the law as it appears in chapter two-B (2-B), title XIV, supplement to the code, 1913 and chapters one hundred sixty-five (165) and two hundred sixteen (216), acts of the thirty-seventh general assembly and all acts amendatory thereof, relating to the drainage of meandered lakes and to the sale of lake beds and to enact a substitute therefor and making an appropriation to pay any expenses incurred under the act.

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

1 SECTION 1. Certain sales authorized. The executive council may sell  
2 upon such terms and conditions as it may deem best any land that is  
3 the property of the state of Iowa lying within Keokuk lake, Odessa  
4 lake and Muscatine slough, East Swan lake, Ryan lake, Goose lake  
5 and Mud lake and any lands belonging to the state adjacent to any  
6 of said lakes not used by the state for park purposes. Before the  
7 sale of any of such lands, they shall be appraised by a commission of  
8 three disinterested freeholders of the state, appointed by the chief  
9 justice of the supreme court, who shall examine and appraise the  
10 land and return a report of such appraisement to the executive coun-  
11 cil. Such appraisals shall be advisory only and the council may sell  
12 any of the lands for such price as in their judgment may seem fair  
13 and reasonable.

1 SEC. 2. Preference in sales—patents. After the report of the ap-  
2 praisers has been filed, the executive council shall offer any of the  
3 lands in question for sale to abutting property owners and shall de-  
4 termine the length of time that such abutting property owners shall  
5 have in which to submit offers upon the land or parts of same. The  
6 executive council shall have the authority to reject any offers that  
7 may be made by abutting property owners and may then offer any or  
8 all of the lands for sale either at public auction or at private sale. If  
9 offered at public auction, the council may reject any or all bids made.  
10 Deeds or patents shall be executed by the governor in behalf of the  
11 state for any lands sold and shall have the seal of the state attached  
12 thereto.

1     **SEC. 3. Appropriation.** There is hereby appropriated out of any  
 2 funds in the state treasury not otherwise appropriated sufficient to  
 3 pay the expenses of the appraisal or sale of any of the lands em-  
 4 braced in this act and all claims for expenses shall be audited by the  
 5 board of audit and paid upon warrants issued by the auditor of state.

Approved April 20, A. D. 1923.

## CHAPTER 337

### SCHOOLS AND SCHOOL DISTRICTS

#### H. F. 828

AN ACT providing that the board of directors of independent and city or town school districts may in certain cases transfer any excess in the general fund to the school-house fund.

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

1     **SECTION 1.** The board of directors of any independent, city or town  
 2 school district may, if on April 1, 1923, there appeared to have been  
 3 an excess in the general fund of such school district over and above  
 4 the requirements of such school district for the current year, transfer  
 5 all or any part of such excess, not exceeding seven thousand dollars  
 6 (\$7000.00), to the schoolhouse fund of such school district, provided  
 7 that prior to such transfer, an application is filed with the district  
 8 court of the county setting forth the facts and such transfer shall not  
 9 be made until approval is entered of record in such court; provided  
 10 further that notice of the application shall be given by publication in  
 11 one newspaper of the county, having a general circulation in the school  
 12 district, for two (2) weeks, the last publication to be not less than ten  
 13 (10) days prior to the time set for hearing which may be either in  
 14 term time or in vacation.

Approved April 20, A. D. 1923.

## CHAPTER 338

### CITIES AND TOWNS

#### H. F. 501

AN ACT to amend section eight hundred eighty-seven (887) of the code, (C. C. 4030) relating to a tax for the general fund of cities and towns.

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

1     **SECTION 1. Special levy authorized.** That section eight hundred  
 2 eighty-seven (887) of the code, (C. C. 4030) be amended by adding  
 3 thereto the following: "The council of each city or town is hereby



4 authorized to levy in the year nineteen hundred twenty-three (1923)  
 5 and in the year nineteen hundred twenty-four (1924) a tax not ex-  
 6 ceeding two (2) mills on the dollar for the purposes of meeting any  
 7 deficiency in or inadequacy of the ten mill general fund levy."

Approved April 20, A. D. 1923.

## CHAPTER 339

S. G. MATSON

H. F. 578

AN ACT to authorize the issuance of a patent to certain lands in Jones county, Iowa, to S. G. Matson.

WHEREAS, one S. G. Matson was, prior to the 27th day of December, 1862, the owner in fee simple of an undivided two-thirds of the southeast quarter (SE $\frac{1}{4}$ ) of section thirty (30), township eighty-five (85) north, range four (4) west of the fifth p. m., Jones county, Iowa, and mortgaged said real estate to school fund of Jones county, Iowa, for five hundred dollars (\$500.00), which said mortgage was recorded in book 9, page 670, mortgage records of Jones county, Iowa; and

WHEREAS, said mortgage not having been paid, the same was foreclosed and sheriff's deed issued to the state of Iowa on said foreclosure, which said sheriff's deed was recorded in book 22, page 201, deed records of Jones county, Iowa; and

WHEREAS, the said S. G. Matson thereafter paid off said school fund mortgage incumbrance in full to the county auditor of Jones county, Iowa, but there was no conveyance issued to him by the state of Iowa; and

WHEREAS, the said S. G. Matson and his grantees have been in the open, continuous, notorious and adverse possession of said real estate under color of right and claim of title, and have paid county and state taxes continuously thereon, since the date of said sheriff's deed, now, therefore,

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

1 SECTION 1. That the governor and secretary of state shall, in the  
 2 name of the state of Iowa and under its seal, convey by patent to the  
 3 said S. G. Matson the following described real estate situated in  
 4 Jones county, Iowa, to wit:  
 5 The undivided two-thirds of the southeast quarter (SE $\frac{1}{4}$ ) of sec-  
 6 tion thirty (30), township eighty-five (85) north, range four (4) west  
 7 of the fifth P. M.; and thereby transfer to the said S. G. Matson any  
 8 and all interest which the state of Iowa may have in and to said de-  
 9 scribed real estate, said patent to issue without expense to the state  
 10 of Iowa.

Approved April 20, A. D. 1923.

## CHAPTER 340

## BIENNIAL STATE LEVY

S. F. 761

AN ACT designating and fixing the amount of revenue for general state purposes for which levy is to be made by the executive council.

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

1 SECTION 1. Biennial state levy. That the amount of revenue for  
2 general state purposes is hereby designated and fixed by the general  
3 assembly as the sum of eleven million one hundred sixty-three thou-  
4 sand dollars (\$11,163,000.00) to be provided by the levy for 1923,  
5 and the sum of eleven million one hundred sixty-three thousand dol-  
6 lars (\$11,163,000.00) to be provided by the levy for 1924, said levies  
7 to be made as provided in sections thirteen hundred eighty-c (1380-c)  
8 and thirteen hundred eighty-d (1380-d) of the supplement to the  
9 code, 1913.

Approved April 21, A. D. 1923.

## LEGALIZING ACTS

### CHAPTER 341

#### CALHOUN COUNTY

S. F. 624

AN ACT to legalize one hundred twenty-five thousand dollars (\$125,000.00) courthouse bonds of Calhoun county, Iowa, and to authorize the issuance of one hundred twenty-five thousand (\$125,000.00) dollars refunding bonds of said county for the purpose of refunding said courthouse bonds.

WHEREAS, pursuant to an election held in Calhoun county, Iowa, on the fifth day of November, 1912, there were issued, by virtue of resolutions by the board of supervisors of said county, one hundred twenty-five thousand dollars (\$125,000) county courthouse bonds of said county, dated April 1, 1913, and maturing April 1, 1923; and

WHEREAS, no sinking fund was created and maintained for the payment of principal of these bonds as required by the statute under which they were issued; and

WHEREAS, none of these bonds have ever been involved in litigation as to their legality, and they have never been held in whole or in part invalid by any court; also, that the county has never questioned their validity, or defaulted in the payment of the interest on any of said bonds; and

WHEREAS, the county of Calhoun, has since the completion of said courthouse enjoyed the use and benefit thereof and said courthouse is well worth the sum which said county contracted should be paid therefor; and

WHEREAS, doubts have arisen concerning the legality or validity of the aforesaid county courthouse bonds and as to the authority of the board of supervisors of said county to refund said bonds under section four hundred three (403) et seq. of the code of Iowa, as amended; and

WHEREAS, it is deemed advisable to put said doubts and questions as well as any and all other doubts and questions which have arisen or may hereafter arise concerning the legality or the validity of the aforesaid county refunding bonds and the authority to refund said bonds forever at rest, now, therefore,

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

1 SECTION 1. That the election held in Calhoun county, Iowa, on the  
2 fifth day of November, 1912, herein referred to and the county court-  
3 house bonds issued by the board of supervisors of said county pur-  
4 suant thereto be and the same are hereby declared to be legal and  
5 valid notwithstanding any irregularities, omissions or defects in con-  
6 nection therewith.

1 SEC. 2. That the board of supervisors of said county be and are  
2 hereby authorized to issue one hundred twenty-five thousand dollars  
3 (\$125,000) refunding bonds of said county for the purpose of refund-  
4 ing the court house bonds of said county in a like par amount.

1 SEC. 3. That the aforesaid refunding bonds of said county, when  
2 issued as provided by section 403 et seq. of the code of Iowa, as  
3 amended, shall be and are hereby declared to be the valid, legal and  
4 subsisting obligations of the county and thereafter said county and  
5 the board of supervisors thereof shall be and are hereby authorized to  
6 levy taxes for the payment of the principal of and interest upon said  
7 refunding bonds in accordance with the provisions of the laws of the  
8 state of Iowa.

1 SEC. 4. Nothing in this act shall affect pending litigation.

1 SEC. 5. This act being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Capital, a newspaper published in Des Moines, Iowa, and the Rockwell  
4 City Advocate, a newspaper published in Rockwell City, Iowa, all  
5 without expense to the state.

Approved March 29, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
March 31, 1923, and the Rockwell City Advocate April 5, 1923.

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

## CHAPTER 342

### CERRO GORDO COUNTY

S. F. 282

AN ACT to legalize the proceedings of the board of supervisors of Cerro Gordo county, Iowa, in calling an election authorizing the issuance of bonds in the sum of fifty thousand dollars (\$50,000.00) to pay for the construction of a new county home building, and to legalize said election and all proceedings connected therewith and to validate said bonds.

WHEREAS, at the general election held on November 2, 1920, a majority of the voters of said county voting at said election, voted in favor of issuing bonds of said Cerro Gordo county, in the sum of fifty thousand dollars (\$50,000.00), for the purpose of erecting and constructing a new county home building; and

WHEREAS, doubts have arisen concerning the validity of the said election and the authority of the board of supervisors of Cerro Gordo county, to issue the amount of bonds authorized at said election; now, therefore,

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

1 SECTION 1. That the acts and proceedings of the board of super-  
2 visors of Cerro Gordo county, Iowa, in calling said election and in sub-  
3 mitting to the voters of Cerro Gordo county, Iowa, the question of  
4 issuing bonds in the sum of fifty thousand dollars (\$50,000.00) for the

5 purpose of erecting and constructing a new county home building  
6 and all proceedings in relation thereto, be and the same hereby are  
7 legalized and validated.

1 SEC. 2. That the said bonds of said Cerro Gordo county, in the  
2 aggregate amount of fifty thousand dollars, (\$50,000.00), so author-  
3 ized at said election by the voters of said county be and the same  
4 hereby are legalized and validated and when delivered to the pur-  
5 chaser thereof shall be the valid, legal and subsisting obligations of  
6 said Cerro Gordo county, Iowa.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Register, a newspaper published in Des Moines, Iowa and the Mason  
4 City Globe-Gazette, a newspaper published in Mason City, Iowa, with-  
5 out expense to the state.

Approved February 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
February 21, 1923, and the Mason City Globe-Gazette March 1, 1923.

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

## CHAPTER 343

### DES MOINES COUNTY BURLINGTON, IOWA

S. F. 644

AN ACT legalizing certain contracts awarded by the board of supervisors of Des Moines county Iowa and the council of the city of Burlington, Iowa, prior to January 1st, 1923, for the hard surfacing of certain roads in said county, and authorizing the issuing of certificates in anticipation of the allotments of primary road fund by said county.

WHEREAS, prior to January 1st, 1923, certain contracts were entered into by the board of supervisors of Des Moines county, Iowa, and the council of the city of Burlington, Iowa, for the paving and grading of certain roads connecting completed paved primary roads with, and extending the same into said city, which said contracts have been approved by the state highway commission, and the board of supervisors of said county, has, prior to said date, determined that a portion of the cost of said work shall be paid from the primary road fund allotted or to be allotted to said county, and such payment constitutes part of the terms of such contracts, and the account of such county with the primary road fund now shows that the estimated allotment of such county for the current and succeeding year, computed as now provided by law, available to apply on such contract price, and the special assessments against abutting and adjacent property that are or shall be provided by law or resolution, are together insufficient to cover the contract price for such road improvements, and question has thus arisen as to the validity of such contracts, and,

WHEREAS, prior to January 1st, 1923, in the making of said improvement, an old macadam pavement has been removed for a considerable distance on a main traveled highway leading into said city and such main highway has thereby been rendered impassable, and unless work under said contracts is promptly carried on to completion great loss and damage will result to the people of Des Moines county, Iowa, and,

WHEREAS said connecting improvements are officially known as Primary Road Projects C-13, C-18 and 273.

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

1 SECTION 1. That the contracts entered into by the board of super-  
2 visors of Des Moines county, Iowa and the city council of the city of  
3 Burlington, Iowa, prior to January 1st, 1923, relative to the grading  
4 and paving of primary road projects C-13, C-18 and 273 be and the  
5 same are hereby legalized and declared to be of full force and effect.

1 SEC. 2. That the board of supervisors of such county shall, for the  
2 purpose of providing a fund with which to meet the payment of the  
3 part of such contract price properly payable out of the primary road  
4 fund, anticipate the annual allotments to such county of the primary  
5 road fund in an amount sufficient to meet such part of the contract  
6 price and issue certificates therefor in the manner now provided by  
7 section twenty-four (24) of chapter two hundred and thirty-seven  
8 (237) of the acts of the thirty-eighth general assembly (C. C. Sec.  
9 2932), the amount so anticipated for each year to be estimated on the  
10 basis of the allotment to such county for the year 1922, and all the  
11 provisions of said section twenty-four (24) not in conflict herewith  
12 shall be applicable hereto.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in full force from and after its publication in the Des  
3 Moines Register, a newspaper published in the city of Des Moines,  
4 Iowa, and in the Burlington Hawkeye and Burlington Gazette, news-  
5 papers published in the city of Burlington, in Des Moines county,  
6 Iowa, all without expense to the state.

Approved April 10, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 12, 1923, and the Burlington Hawkeye April 12, 1923, and the Burlington Gazette April 11, 1923.

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

## CHAPTER 344

## DICKINSON COUNTY

## H. F. 826

AN ACT to legalize warrants issued by the board of supervisors of Dickinson county, Iowa, and to authorize said board to issue bonds to fund said warrants.

WHEREAS, the county of Dickinson, Iowa, by its board of supervisors did heretofore authorize and incur an indebtedness in the sum of forty-five thousand dollars (\$45,000) for corporate purposes as permitted by law, and prior to April 1st, 1923, did issue warrants of said county in like amount to evidence such indebtedness in the manner and form required by law; and

WHEREAS such expenditures were made for proper corporate purposes and for the use and benefit of said county, and were necessary in order to support and maintain the institutions of said county, and to pay the ordinary expenses of said county, and the said county is enjoying the use and benefit thereof; and the several purposes for which said expenditures were made are well worth the sum which said county contracted should be paid therefor, and the indebtedness of said county at the time said warrants were issued did not and does not now exceed the constitutional limitation of indebtedness; and

WHEREAS the indebtedness of said county is in excess of one and one-fourth ( $1\frac{1}{4}$ ) per centum of the actual value of the taxable property within said county, and it is not clear under the law whether said indebtedness so incurred for the purposes enumerated above is to be considered in determining said county's statutory limit of indebtedness for its general and ordinary purposes; Now Therefore,

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

1 SECTION 1. That the acts of the board of supervisors of the county  
2 of Dickinson, Iowa, in making said expenditures for said county and  
3 issuing warrants therefor in the sum of forty-five thousand dollars  
4 (\$45,000) as aforesaid, be and the same are hereby validated and  
5 legalized.

1 SEC. 2. That the aforesaid warrants of the county of Dickinson,  
2 Iowa, in the aggregate sum of forty-five thousand dollars (\$45,000)  
3 be and the same are hereby legalized and declared to be valid, legal  
4 and subsisting obligations of said county, and the board of super-  
5 visors of said county may issue and sell bonds to fund said warrants  
6 as provided by the laws of the state of Iowa.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall be  
2 in force and effect from and after its publication in the Des Moines  
3 Capital, a newspaper published in Des Moines, Iowa, and the Spirit

4 Lake Beacon, a newspaper published in Spirit Lake, Iowa, said pub-  
5 lication to be without expense to the state.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 21, 1923, and the Spirit Lake Beacon April 26, 1923.

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

## CHAPTER 345

### LUCAS COUNTY

S. F. 286

AN ACT to legalize an election in Lucas county, Iowa, and to legalize certain jail bonds and refunding bonds issued pursuant thereto.

WHEREAS, pursuant to an election held in Lucas county, Iowa, on April 10th, 1916, there were issued, by virtue of resolutions by the board of supervisors of said county, fifteen thousand dollars (\$15,000) county jail bonds of said county, dated September 1st, 1916, of which bonds seven thousand five hundred dollars (\$7,500) matured on September 1st, 1922, and

WHEREAS, the board of supervisors of said county by a resolution adopted on October 2d, 1922 provided for the issuance and sale of refunding bonds of said county in the sum of seven thousand five hundred dollars (\$7,500) for the purpose of refunding said county jail bonds in the amount of seven thousand five hundred dollars (\$7,500); and

WHEREAS, doubts have arisen as to the legality of the election, authorization and issuance of said county jail bonds and the proceedings of the board of supervisors relating to the issuance and sale of said refunding bonds; now, therefore,

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

1 SECTION 1. That the election held in Lucas county, Iowa, herein  
2 referred to, and the county jail bonds issued by the board of super-  
3 visors of said county pursuant thereto, be and the same are hereby  
4 declared to be legal and valid, notwithstanding any irregularities or  
5 omissions or defects in connection therewith.

1 SEC. 2. That the refunding bonds of said county in the aggregate  
2 amount of seven thousand five hundred dollars (\$7,500) authorized  
3 by the board of supervisors under date of October 2d, 1922 when  
4 issued, sold and delivered to the purchasers are hereby declared to be  
5 legal and to constitute valid and binding obligations of said county.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the "Des Moines  
3 News," a newspaper published in Des Moines, Iowa, and the "Herald



4 Patriot," a newspaper published in Chariton, Iowa, without expense  
5 to the state.

Approved March 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News March 17, 1923, and the Herald Patriot March 22, 1923.

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

## CHAPTER 346

### LUCAS COUNTY

H. F. 646

AN ACT to legalize certain warrants issued by the board of supervisors of Lucas county, Iowa.

WHEREAS, the county of Lucas, Iowa, by its board of supervisors did heretofore authorize and incur indebtedness in the sum of sixty thousand dollars (\$60,000.00) for corporate purposes, as permitted by law, and prior to January 1st, 1923, did issue warrants of said county in like amount to evidence such indebtedness in the manner and form required by law; and

WHEREAS, such expenditures were made for proper corporate purposes, and were necessary in order to support, maintain the institutions of said county, protect and repair its roads and bridges and pay ordinary expenses of said county, and such expenditures were greater in amount than usual because of the unsettled business conditions throughout the country, and the county of Lucas is enjoying the use and benefit thereof and the several purposes for which said expenditures were made is well worth the sum which said county contracted should be paid therefor, and the indebtedness of said county at the time said warrants were issued did not and does not at this time, exceed the constitutional limitation; and,

WHEREAS, it is not clear under the law whether indebtedness so incurred for such unusual, extraordinary and necessary expenditure is to be considered in ascertaining said county's statutory limit of debt for general ordinary purposes; now therefore,

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

1 SECTION 1. That the acts of the board of supervisors of the county  
2 of Lucas in making such expenditures for said county and issuing  
3 warrants therefore in the sum of sixty thousand dollars (\$60,000.00)  
4 as aforesaid be and the same are hereby validated.

1 SEC. 2. That the aforesaid warrants of the county of Lucas, Iowa,  
2 in the aggregate sum of sixty thousand dollars (\$60,000.00) be and  
3 the same are hereby legalized and declared to be valid, legal and  
4 subsisting obligations of said county, and the board of supervisors of  
5 said county may issue and sell bonds to fund said warrants, as pro-  
6 vided by the laws of the state of Iowa.

1 SEC. 3. Nothing of this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
 2 effect and be in force from and after its publication in the Des Moines  
 3 Capital, a newspaper published in the city of Des Moines, Iowa and  
 4 the Chariton Herald-Patriot, a newspaper published in the city of  
 5 Chariton, Iowa without expense to the state.

Approved March 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 March 24, 1923, and the Chariton Herald-Patriot March 29, 1923.

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

Note: The word "therefore" in line 3, section 1, should be "therefor".

## CHAPTER 347

### MILLS COUNTY

S. F. 547

AN ACT to legalize certain warrants issued by Mills county on the bridge, road and general funds and to authorize the execution and sale of bonds to fund the same.

WHEREAS, the county of Mills, Iowa, by its board of supervisors did authorize and incur indebtedness in the sum of \$149,549.44 for corporate purposes as follows: \$111,080.44 for constructing and repairing bridges, \$23,521.34 for improving roads and \$14,939.70 for paying claims under the provisions of law relative to poor relief as permitted by law, and did issue warrants of said county in like amounts to evidence such indebtedness against the bridge, road and general funds, respectively, in the manner and form required by law; and,

WHEREAS, said expenditures were made for proper corporate purposes and the county of Mills is enjoying the use and benefit thereof, and the purpose for which said expenditures were made, was and is well worth the sum said county contracted should be paid therefor, and the indebtedness of said county at the time said warrants were issued did not and does not at this time exceed the constitutional limitation; therefore:

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

1 SECTION 1. That the action of the board of supervisors of the  
 2 county of Mills in making such expenditures for said county and  
 3 issuing warrants therefor in the sum of \$149,549.44, as aforesaid, be  
 4 and the same are hereby legalized and validated.

1 SEC. 2. That the aforesaid warrants of the county of Mills, Iowa,  
 2 in the aggregate sum of \$149,549.44 be and the same are hereby  
 3 legalized and declared to be valid, legal and subsisting obligations of  
 4 said county; and the board of supervisors of said county may issue  
 5 and sell bonds to fund said warrants as provided by the laws of the  
 6 state of Iowa.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. This act being deemed of immediate importance shall take  
 2 effect and be in full force from and after its passage and publication  
 3 in the Des Moines Register, a newspaper published in Des Moines,  
 4 Iowa, and the Glenwood Opinion, a newspaper published in Glenwood,  
 5 Iowa, without expense to the state.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
 April 18, 1923, and the Glenwood Opinion April 18, 1923.

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

## CHAPTER 348

### MONROE COUNTY

S. F. 744

AN ACT to legalize certain warrants issued by the board of supervisors of Monroe  
 county, Iowa.

WHEREAS, the county of Monroe, Iowa, by its board of supervisors did  
 heretofore authorize and incur indebtedness in the sum of sixty thousand  
 dollars (\$60,000) for corporate purposes, as permitted by law, and prior  
 to April 1, 1923, did issue warrants of said county in like amount to evi-  
 dence such indebtedness in the manner and form required by law; and

WHEREAS, such expenditures were made for proper corporate purposes,  
 and were necessary in order to support, maintain the institutions of said  
 county, protect and repair its roads and bridges and pay ordinary expenses  
 of said county, and such expenditures were greater in amount than usual  
 because of the unsettled business conditions throughout the country, and  
 the county of Monroe is enjoying the use and benefit thereof and the sev-  
 eral purposes for which said expenditures were made is well worth the sum  
 which said county contracted should be paid therefor, and the indebted-  
 ness of said county at the time said warrants were issued did not and does  
 not at this time, exceed the constitutional limitation; and

WHEREAS, it is not clear under the law whether indebtedness so incurred  
 for such unusual, extraordinary and necessary expenditure is to be con-  
 sidered in ascertaining said county's statutory limit of debt for general  
 ordinary purposes; now therefore,

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

1 SECTION 1. That the acts of the board of supervisors of the county  
 2 of Monroe in making such expenditures for said county and issuing  
 3 warrants therefor in the sum of sixty thousand dollars (\$60,000) as  
 4 aforesaid be and the same are hereby validated.

1 SEC. 2. That the aforesaid warrants of the county of Monroe, Iowa,  
 2 in the aggregate sum of sixty thousand dollars (\$60,000) be and the  
 3 same are hereby legalized and declared to be valid, legal and subsist-  
 4 ing obligations of said county, and the board of supervisors of said

5 county may issue and sell bonds to fund said warrants, as provided  
6 by the laws of the state of Iowa.

1 SEC. 3. Nothing of this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Capital, a newspaper published in the city of Des Moines, Iowa, and  
4 the "Albia Union-Republican", a newspaper published in the city of  
5 Albia, without expense to the state.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
April 19, 1923, and the Albia Union-Republican April 19, 1923.

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

## CHAPTER 349

### MUSCATINE COUNTY

### LOUISA COUNTY

S. F. 314

AN ACT to legalize the action of the boards of supervisors of Muscatine and Louisa counties relative to the assessments against state lands in drainage district number thirteen (13), located in Muscatine and Louisa counties and to authorize the payment of said assessments.

WHEREAS, the state of Iowa is the owner of 536.41 acres in Keokuk lake in Muscatine county and 464.97 acres in Odessa lake in Louisa county; and,

WHEREAS, said lakes and lands are a part of joint drainage district number thirteen (13), located in Muscatine and Louisa counties; and,

WHEREAS, the boards of supervisors of Muscatine and Louisa counties and the board of appraisers of said joint drainage district number thirteen (13) have established a drainage district including said land and have assessed a drainage tax against said land amounting to thirty-eight thousand, seven hundred twenty dollars and sixty-five cents (\$38,720.65) against land located in Muscatine county and thirty-six thousand, three hundred twenty-nine dollars and ninety-eight cents (\$36,329.98) against land located in Louisa county, therefore:

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

1 SECTION 1. That the acts of said boards of supervisors in Muscatine  
2 and Louisa counties and the board of appraisers in joint drainage dis-  
3 trict number thirteen (13) in Muscatine and Louisa counties in  
4 establishing said joint drainage district number thirteen (13) and  
5 assessing a tax for the expense thereof against said state land, be  
6 and the same is hereby legalized and confirmed in all respects.

1 SEC. 2. There is hereby appropriated and the treasurer of state  
2 is hereby authorized to pay out of any funds not otherwise appropri-

3 ated the sum of seventy-five thousand, fifty dollars and sixty-three  
4 cents (\$75,050.63), to cover the assessment against the state lands in  
5 Keokuk lake, Muscatine county and in Odessa lake in Louisa county,  
6 which are a part of joint drainage district number thirteen (13).

1 SEC. 3. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in  
3 the Des Moines Register and the Des Moines News, newspapers pub-  
4 lished at Des Moines, Iowa.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines News April  
17, 1923, and the Des Moines Register April 18, 1923.

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

## CHAPTER 350

### POCAHONTAS COUNTY

S. F. 383

AN ACT to legalize certain warrants issued by the board of supervisors of Pocahontas county, Iowa.

WHEREAS the county of Pocahontas, Iowa, by its board of supervisors, did heretofore authorize and incur indebtedness in the sum of seventy-four thousand two hundred twenty-four dollars (\$74,224), and prior to January 1, 1923, did issue warrants to the extent of said amount in evidence of such indebtedness, and

WHEREAS said indebtedness was incurred for proper corporate purposes and the county of Pocahontas and its citizens are now enjoying the use and benefit thereof, and the things for which said expenditures were made were and now are well worth the sum which the county so paid, and the indebtedness of said county at the time said warrants were issued did not, and it does not now, and it never has, exceeded the constitutional limitations, but that the same at the time issued and now exceeds the statutory limitations, and

WHEREAS doubts have arisen concerning the legality or validity of the aforesaid warrants, or of a portion thereof, on the ground that the indebtedness which said warrants evidence, or a portion thereof, was contracted in excess of the statutory limitations, and

WHEREAS it is deemed advisable to put said doubts, as well as any and all other doubts which have arisen or may hereafter arise concerning the legality or validity of the aforesaid warrants, forever at rest;

Now, therefore,

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

1 SECTION 1. That the acts of the board of supervisors of the county  
2 of Pocahontas in making expenditures for said county, for the pur-

3 pose of constructing, maintaining, draining and dragging roads of the  
4 county, in issuing warrants therefor in the sum of seventy-four thou-  
5 sand two hundred twenty-four dollars (\$74,224) as aforesaid, be, and  
6 the same are hereby legalized and validated.

1 SEC. 2. That the aforesaid warrants of the said county of Poca-  
2 hontas in the state of Iowa in the aggregate of seventy-four thousand  
3 two hundred twenty-four dollars (\$74,224) be, and the same hereby  
4 are, legalized and declared to be valid, legal and subsisting obligations  
5 of said county.

1 SEC. 3. That the board of supervisors of said county of Pocahontas  
2 in the state of Iowa are authorized to fund the debt evidenced by said  
3 warrants, or so much thereof as remains unpaid, and to issue and  
4 sell the negotiable bonds of said county for the purpose of funding  
5 the aforesaid warrants in the manner and form provided by law, and  
6 when the same are so issued and sold they shall be the valid, legal  
7 and subsisting obligation of said county of Pocahontas, and there-  
8 after said county and the board of supervisors thereof shall be and  
9 are hereby authorized to levy taxes for the payment of the principal  
10 of and interest upon said funding bonds, in accordance with the provi-  
11 sions of the laws of Iowa.

1 SEC. 4. Nothing in this act shall affect pending litigation.

1 SEC. 5. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Register, a newspaper published in the city of Des Moines, Iowa, and  
4 in the Pocahontas Record, a newspaper published in the town of Poca-  
5 hontas, Iowa, all without expense to the state.

Approved February 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
February 28, 1923, and the Pocahontas Record March 8, 1923.

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

Note: The word "obligation" in line 7, section 3, should be "obligations".

## CHAPTER 351

### WAPELLO COUNTY

S. F. 405

AN ACT to legalize certain warrants issued by the board of supervisors of Wapello  
county, Iowa.

WHEREAS, the county of Wapello, Iowa, by its board of supervisors did  
heretofore authorize and incur indebtedness in the sum of one hundred  
thirty-five thousand dollars (\$135,000) for corporate purposes, as follows:  
\$70,000 for county general fund, and \$65,000 for county poor fund, as  
permitted by law, and prior to January 1, 1923, did issue warrants of said  
county in like amount to evidence such indebtedness, in the manner and  
form required by law; and

WHEREAS, such expenditures were made for proper corporate purposes, and were necessary in order to support, maintain the institutions of said county, protect and repair its roads and pay ordinary expenses of said county, and such expenditures were greater in amount than usual because of the unsettled business conditions throughout the country, and the county of Wapello is enjoying the use and benefit thereof and the several purposes for which said expenditures were made is well worth the sum which said county contracted should be paid therefor, and the indebtedness of said county at the time said warrants were issued did not and does not at this time, exceed the constitutional limitation; and

WHEREAS, it is not clear under the law whether indebtedness so incurred for such unusual, extraordinary and necessary expenditure is to be considered in ascertaining said county's statutory limit of debt for general ordinary purposes; now, therefore,

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

1 SECTION 1. That the acts of the board of supervisors of the county  
2 of Wapello in making such expenditures for said county and issuing  
3 warrants therefor in the sum of one hundred and thirty-five thousand  
4 dollars (\$135,000) as aforesaid, be and the same are hereby validated.

1 SEC. 2. That the aforesaid warrants of the county of Wapello,  
2 Iowa, in the aggregate sum of one hundred and thirty-five thousand  
3 dollars (\$135,000), be and the same are hereby legalized and declared  
4 to be valid, legal and subsisting obligations of said county, and the  
5 board of supervisors of said county may issue and sell bonds to fund  
6 said warrants, as provided by the laws of the state of Iowa.

1 SEC. 3. Nothing of this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Capital, a newspaper published in the city of Des Moines, Iowa, and  
4 the Ottumwa Daily Courier, a newspaper published in the city of  
5 Ottumwa, Iowa, without expense to the state.

Approved March 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
March 13, 1923, and the Ottumwa Daily Courier March 12, 1923.

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

## CHAPTER 352

### MUNICIPAL NOMINATION PAPERS

H. F. 705

AN ACT to legalize the filing of nomination papers of candidates for city and town offices in the cities and towns of Iowa to be voted at the city and town elections on March 26th, 1923.

WHEREAS, the 36th general assembly of the state of Iowa amended the laws of Iowa requiring the filing of all nomination papers for candidates

for city and town offices to be made fifteen (15) days prior to such election instead of ten (10) days as theretofore; and

WHEREAS, through inadvertence, nomination papers for candidates for city and town offices in various cities and towns of Iowa were not filed within the required time, but were filed within the ten days formerly required by law; and

WHEREAS, doubts have arisen as to the legality of the filing of such nomination papers, and of the consequent legality of the elections to be held in such cities and towns of Iowa on March 26th, 1923, therefore,

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

1 SECTION 1. That all nomination papers for candidates for city and  
2 town offices in cities and towns of Iowa to be voted for at the city and  
3 town elections on March 26th, 1923, be, and the same are hereby made  
4 legal and effective nominations, and the city or town clerk is author-  
5 ized and directed to print upon the official ballots the names of all  
6 such candidates.

1 SEC. 2. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in  
3 the Des Moines Register and the Des Moines Capital, newspapers pub-  
4 lished in the city of Des Moines, Iowa.

Approved March 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital March 16, 1923, and the Des Moines Register March 17, 1923.

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

## CHAPTER 353

### COUNCIL BLUFFS, IOWA

S. F. 382

AN ACT to legalize certain warrants and the issuance and sale of negotiable bonds funding said warrants, of the city of Council Bluffs, Iowa.

WHEREAS, the city of Council Bluffs in the county of Pottawattamie, state of Iowa, by its city council did heretofore authorize and incur expenditures in the sum of one hundred eighty thousand dollars (\$180,000), for corporate purposes, as permitted by law, and did issue warrants of said city in like amount to evidence such indebtedness, in the manner and form required by law; and

WHEREAS, said expenditures were made for proper corporate purposes and the indebtedness of said city at the time said warrants were issued did not, and does not at this time, exceed the constitutional limitations; and

WHEREAS, at a properly convened meeting of the city council of said city, held on January 22, 1923, a resolution entitled "Resolution authorizing the



issuance of one hundred eighty thousand dollar (\$180,000) funding bonds", was adopted for the purpose of funding the indebtedness represented by the aforesaid warrants; and

WHEREAS, doubts have arisen concerning the legality or validity of the aforesaid warrants or a portion thereof on the ground that the indebtedness which said warrants evidence or a portion thereof was contracted in excess of the statutory limitation on indebtedness; and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants because the expenditures or a portion thereof, evidenced thereby, were contracted in excess of the appropriations theretofore made for the funds against which said warrants were drawn; and

WHEREAS, doubts have arisen concerning the legality or validity of aforesaid warrants or a portion thereof on the ground that the aforesaid expenditures or a portion thereof were contracted in excess of said city's authorized annual revenues; and

WHEREAS, doubts have arisen concerning the legality or validity of the aforesaid warrants or a portion thereof on the ground that the aforesaid expenditures or a portion thereof were contracted in excess of said city's annual revenue actually levied; and

WHEREAS, doubts have arisen concerning the legality or validity of the aforesaid warrants or a portion thereof on the ground that the aforesaid expenditures or a portion thereof, were not provided for in said city's annual appropriations; and

WHEREAS, it is deemed advisable to put said doubts and all other doubts which may arise concerning the legality or validity of the aforesaid warrants forever at rest; now, therefore:

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

1 SECTION 1. That the acts of the city council of the city of Council  
2 Bluffs, Iowa, in making expenditures for said city, issuing warrants  
3 therefor in the sum of one hundred eighty thousand dollars  
4 (\$180,000), as aforesaid, and authorizing and directing the issuance  
5 and sale of negotiable bonds in the sum of one hundred eighty thou-  
6 sand dollars (\$180,000), for the purpose of funding the aforesaid  
7 warrants, be and the same are hereby legalized and validated.

1 SEC. 2. That the aforesaid warrants of the city of Council Bluffs,  
2 Iowa, in the aggregate sum of one hundred eighty thousand dollars  
3 (\$180,000), be and the same are hereby legalized and declared to be  
4 valid, legal and subsisting obligations of said city.

1 SEC. 3. That the funding bonds of the city of Council Bluffs, Iowa,  
2 in the aggregate sum of one hundred eighty thousand dollars  
3 (\$180,000), authorized and directed to be issued and sold by said  
4 resolution for the purpose of funding the aforesaid warrants to be  
5 and the same are hereby legalized and when sold as by law provided,  
6 shall be the valid, legal and subsisting obligations of said city of  
7 Council Bluffs.

1 SEC. 4. Nothing in this act shall affect pending litigation.

1 SEC. 5. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Register, a newspaper published in the city of Des Moines, Iowa, and  
4 the Council Bluffs Nonpariel, a newspaper published in the city of  
5 Council Bluffs, Iowa, without expense to the state.

Approved March 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil  
March 13, 1923, and the Des Moines Register March 15, 1923.

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

## CHAPTER 354

### DAVENPORT, IOWA

H. F. 769

AN ACT to legalize certain ordinances of the city of Davenport, Scott county, Iowa, providing for the issuance of corporate bonds and for taxes to pay the principal and interest thereof.

WHEREAS, an ordinance entitled, "An ordinance providing for the issuance of corporate bonds in the sum of two hundred fifty thousand (\$250,000.00) dollars for the payment of indebtedness of the city of Davenport for street improvements and borrowed money to balance appropriations, for improvements by the levee commission, and for balancing current appropriations," was passed and adopted by the city council of the special charter city of Davenport, Iowa, on February 21, 1923; and

WHEREAS, an ordinance entitled "An ordinance providing for taxes for the payment of principal and interest of corporate bonds in the sum of two hundred fifty thousand (\$250,000.00) dollars, dated March 1st, 1923" was passed and adopted by the city council of the special charter city of Davenport, Iowa, on February 21, 1923; and

WHEREAS, doubts have arisen as to the power to authorize the issuance of said bonds and to provide for taxes for the payment of the principal and interest thereof for the purpose of payment of indebtedness of said city for street improvements, for paying borrowed money to balance appropriations, to provide funds for improvements by the levee commission and for balancing current appropriations; and

WHEREAS, doubts have arisen as to whether corporate bonds of the city of Davenport for the above purposes can be authorized in one ordinance and as to whether provision for tax levies for the payment of the principal and interest thereon can be authorized in one ordinance; and

WHEREAS, all acts of the council in passing these ordinances were for the best interest of the citizens and there is a general desire to approve all such acts and ordinances; now therefore

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

1 SECTION 1. Ordinances legalized. That the ordinances of the spe-  
2 cial charter city of Davenport, Iowa passed and adopted February

3 21st, 1923, entitled; "an ordinance providing for the issuance of cor-  
 4 porate bonds in the sum of two hundred fifty thousand (\$250,000.00)  
 5 dollars for the payment of indebtedness of the city of Davenport for  
 6 street improvements and borrowed money to balance appropriations,  
 7 for improvements by the levee commission, and for balancing current  
 8 appropriations" and "An ordinance providing for taxes for the pay-  
 9 ment of principal and interest of corporate bonds in the sum of two  
 10 hundred fifty thousand (\$250,000.00) dollars, dated March 1st, 1923,"  
 11 be and the same are hereby declared legal and valid and to constitute  
 12 full authority for the issuance of two hundred fifty thousand (\$250,-  
 13 000.00) dollars corporate bonds and for the provisions for the taxes  
 14 to pay the principal and interest thereof.

1 SEC. 2. For the purpose of providing a fund with which to pay the  
 2 interest and principal of said bonds as they become payable, the mayor  
 3 and city council of the city of Davenport are hereby authorized to levy  
 4 in addition to all other taxes now permitted by law a general tax upon  
 5 all the taxable property in said city for each of the years that said  
 6 bonds or any part thereof shall be outstanding. Said funds shall be  
 7 known as the "Corporate bond fund of 1923" and said funds shall be  
 8 applied solely for the reduction and retirement of the bonds herein-  
 9 before recited and the interest thereon.

1 SEC. 3. Pending litigation. Nothing in this act shall affect pend-  
 2 ing litigation.

1 SEC. 4. Publication clause. This act being deemed of immediate  
 2 importance shall take effect and be in force from and after its publi-  
 3 cation in the Des Moines Register, a newspaper published in the city  
 4 of Des Moines, Iowa, and in the Daily Times, a newspaper published  
 5 in the city of Davenport, Iowa, without expense to the state.

Approved April 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
 April 18, 1923, and the Daily Times April 18, 1923.

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

## CHAPTER 355

### DENVER, IOWA

H. F. 369

AN ACT to legalize an election held on the 30th day of June, 1922, in the town of Denver,  
 county of Bremer, state of Iowa, for the purpose of voting on the proposition to erect  
 a town hall at a cost not to exceed \$7,000.00 and to legalize all acts and proceedings  
 in respect to said election and in respect to the issuance of bonds in said sum of said  
 town.

WHEREAS, at an election held within the town of Denver, county of  
 Bremer, state of Iowa, on the 30th day of June, 1922, there was submitted  
 to the voters of said town, the proposition "Shall the town of Denver,  
 Iowa erect a town hall at a cost not exceeding \$7,000.00?"

WHEREAS, a majority of votes cast at said election voted in favor of the

aforesaid proposition, there being 91 votes cast in favor of and 26 cast against said proposition.

WHEREAS, notice of said election was posted in three conspicuous places within the limits of said town of Denver, Iowa, and published once each week for two consecutive weeks, all more than ten days prior to said election in "The Waverly Democrat" published at Waverly, Bremer county, Iowa, that being the nearest newspaper published to said town of Denver, Iowa.

WHEREAS, no newspaper is published in said town of Denver, Iowa.

WHEREAS, doubts have arisen as to the sufficiency and legality of said notice of election and the bonds issued thereunder, and doubts as to the legality and validity of the proceedings of the town council in issuing said bonds; now, therefore,

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

1 SECTION 1. That the election held in the town of Denver, in the  
2 county of Bremer, state of Iowa, on the 30th day of June, 1922,  
3 whereat was submitted the question of the building of a town hall at  
4 a cost not to exceed \$7,000.00 and all matters and things done in giv-  
5 ing the notice of said election and all acts of the town council relative  
6 thereto be and the same are hereby declared to be legal and valid,  
7 notwithstanding any irregularity, omission or defect in connection  
8 therewith. That it be and it is hereby declared that the issue of  
9 \$7,000.00 town hall bonds for the purpose of paying for the erection  
10 of said town hall in said town is a valid and binding obligation of  
11 said town.

1 SEC. 2. This act shall not affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the "Des Moines  
3 Register", a newspaper published at Des Moines, Iowa, and in "The  
4 Waverly Democrat," a newspaper published at Waverly, Iowa, without  
5 expense to the state.

Approved March 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
May 10, 1923, and the Waverly Democrat March 29, 1923.

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

## CHAPTER 356

### GRAND RIVER, IOWA

S. F. 421

AN ACT to legalize certain elections, ordinances and acts of the town of Grand River,  
Decatur county, Iowa.

WHEREAS doubt has arisen in regard to the legality of certain town  
elections held in the town of Grand River, Decatur county, Iowa, to-wit,  
March 30, 1914, March 26, 1918, March 26, 1920 and March 29, 1922, and

as to the legality of certain ordinances and acts of the council, on account of irregularities in such elections and on account of six councilmen being elected and serving part of the time, instead of five, as the law provides, and

WHEREAS all acts of the council during this time, were for the best interest of the citizens and there is a general desire to approve all such acts, elections and ordinances, now therefore:

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

1 SECTION 1. The elections held by the town of Grand River, Decatur  
2 county, Iowa, on March 30, 1914, March 26, 1918, March 26, 1920 and  
3 March 29, 1922, and all acts, ordinances and resolutions passed by the  
4 mayor and councils elected at said elections are hereby legalized and  
5 validated.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Register, a newspaper published in the city of Des Moines, Iowa, and  
4 the Grand River Local, a newspaper published in the town of Grand  
5 River, Iowa, without expense to the state.

Approved March 29, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 1, 1923, and the Grand River Local April 5, 1923.

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

## CHAPTER 357

### DOLLIVER, IOWA

H. F. 674

AN ACT to legalize an ordinance of the incorporated town of Dolliver, Iowa, granting a franchise to Armstrong Cement Works, its successors or assigns, to erect and operate an electric light, heat and power plant in said town.

WHEREAS, an ordinance entitled "An ordinance providing for the construction, equipment, maintaining and operating of an electric light, heat and power plant in the incorporated town of Dolliver, Iowa, to furnish electric light, electric current, heat and power to the public parties and private parties, and authorizing the Armstrong Cement Works, their successors and assigns, to operate the same and to use the streets, alleys and public grounds in said town, and for means of transmission," was passed and adopted by the town council of Dolliver, Iowa, on the 7th day of April, 1919 and

WHEREAS, doubts have arisen as to whether all provisions of law relating to the granting of franchises were strictly complied with, now, therefore,

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

1 SECTION 1. That an ordinance of the incorporated town of Dolliver,  
2 Iowa, passed on the 7th day of April, 1919, and entitled "An ordinance

3 providing for the construction, equipment, maintaining and operating  
 4 of an electric light, heat and power plant in the incorporated town of  
 5 Dolliver, Iowa, to furnish electric light, electric current, heat and  
 6 power to the public and private parties, and authorizing the Armstrong  
 7 Cement Works, their successors and assigns, to operate the same and  
 8 to use the streets, alleys and public grounds in said town, and for  
 9 means of transmission." be and the same is hereby declared legal and  
 10 valid the same as if all provisions of law relating to the granting of  
 11 franchises had in all respects been strictly complied with.

1 SEC. 2. This act shall in no wise affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall be  
 2 in force and effect from and after its publication in the Des Moines  
 3 Register and the Des Moines Capital, newspapers published in Des  
 4 Moines, Iowa, and without expense to the state.

Approved April 3, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 5, 1923, and the Des Moines Register April 6, 1923.

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

## CHAPTER 358

### GRUVER, IOWA

#### H. F. 675

AN ACT to legalize an ordinance of the incorporated town of Gruver, Iowa, granting a franchise to Armstrong Cement Works, its successors or assigns, to erect and operate an electric light, heat and power plant in said town.

WHEREAS, an ordinance entitled "An ordinance providing for the construction, equipment, maintaining and operating of an electric light, heat and power plant in the incorporated town of Gruver, Iowa, to furnish electric lights, electric current, heat and power to the public and private parties and authorizing the Armstrong Cement Works, their successors and assigns to operate the same and to use the streets, alleys and public grounds in said town and for means of transmission." was passed and adopted by the town council of Gruver, Iowa, on the 7th day of April, 1919, and

WHEREAS, doubts have arisen as to whether all provisions of law relating to the granting of franchises were strictly complied with, now, therefore,

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

1 SECTION 1. That an ordinance of the incorporated town of Gruver,  
 2 Iowa, passed on the 7th day of April, 1919, and entitled "An ordinance  
 3 providing for the construction, equipment, maintaining and operating  
 4 of an electric light, heat and power plant in the incorporated town of  
 5 Gruver, Iowa, to furnish electric lights, electric current, heat and  
 6 power to the public and private parties and authorizing the Armstrong  
 7 Cement Works, their successors and assigns to operate the same and

8 to use the streets, alleys and public grounds in said town and for  
 9 means of transmission", be and the same is hereby declared legal and  
 10 valid the same as if all provisions of law relating to the granting of  
 11 franchises had in all respects been strictly complied with.

1 SEC. 2. This act shall in no wise affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall be  
 2 in force and effect from and after its publication in the Des Moines  
 3 Register and the Des Moines Capital, newspapers published in Des  
 4 Moines, Iowa, and without expense to the state.

Approved April 3, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 5, 1923, and the Des Moines Register April 6, 1923.

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

## CHAPTER 359

### INDEPENDENCE, IOWA

H. F. 533

AN ACT to legalize ordinances and amendments to ordinances of the city of Independence, Buchanan county, Iowa.

WHEREAS, doubts have arisen as to the legality of the ordinances and amendments to ordinances of the city of Independence, Buchanan county, Iowa, being Revised Ordinances of the city of Independence, Iowa, 1917, and comprising chapters one (1) to fifty-nine (59), inclusive, and amendments thereto, in that the same were not duly and regularly adopted, signed, recorded, published, attested and authenticated, and that the record of same was not duly and regularly signed and authenticated by the mayor and city clerk; therefore,

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

1 SECTION 1. All ordinances and amendments to ordinances of the  
 2 city of Independence, Buchanan county, Iowa, being revised ordinances  
 3 of the city of Independence, Iowa, 1917, and comprising chapters  
 4 number one (1) to fifty-nine (59), inclusive, and amendments thereto,  
 5 be and the same are hereby legalized and declared to be as valid as if  
 6 all the provisions of the laws of the state relating to the voting upon,  
 7 passage, signing, recording, attesting, authenticating and publishing  
 8 of the same had been duly observed and performed.

1 SEC. 2. Nothing in this act contained shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take  
 2 effect and be in force from and after its publication in the Des Moines  
 3 Register, a newspaper published in Des Moines, Iowa, and in the  
 4 Bulletin Journal, a newspaper published in the city of Independence,  
 5 Buchanan county, Iowa, without expense to the state.

Approved April 17, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
 April 21, 1923, and the Independence Bulletin Journal April 26, 1923.

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

## CHAPTER 360

## KENT, IOWA

H. F. 738

AN ACT to legalize all elections by the town of Kent, all acts and resolutions of the council of the town of Kent during the period from the incorporation of said town in nineteen hundred three (1903) to and including the year nineteen hundred seven (1907).

WHEREAS, the records of the elections and the official acts and resolutions of the town of Kent and of the town council for the period from the date of the incorporation of said town in nineteen hundred three (1903) to and including the year nineteen hundred seven (1907), have been lost and there are no official records or data concerning same, therefore

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

1 SECTION 1. That all town elections and the acts, resolutions and  
2 proceedings of any town council elected at any elections in the town  
3 of Kent with the incorporation of said town in the year nineteen  
4 hundred three (1903) through and including the year nineteen hun-  
5 dred seven (1907), be and the same are hereby legalized and validated.

1 SEC. 2. Nothing in this act shall affect pending litigation.

Approved April 12, A. D. 1923.

## CHAPTER 361

## MAQUOKETA, IOWA

S. F. 466

AN ACT to legalize a special election held in the city of Maquoketa, Jackson county, Iowa, on the 26th day of April, 1922, whereat there was submitted to the voters of said city the proposition of constructing and erecting extensions to the municipal electric light and power system by extending the distribution system and installing additional power station equipment, and the proposition of issuing bonds of said city in the sum of seventy thousand dollars (\$70,000.00) to procure the necessary funds to defray the cost of constructing and erecting said extension to the municipal electric light and power system within said city.

WHEREAS, in the month of March, 1922, a majority of the qualified voters of the city of Maquoketa, Jackson county, Iowa, filed with the city clerk of said city a petition signed by a majority of the qualified voters of said city asking the city council of said city to call an election and submit to the voters at such election the following propositions:

1. Shall the city of Maquoketa, Iowa, construct and erect extensions to the municipal electric light and power system by extending the distribution system and installing additional power station equipment?



2. For the issuance of bonds in the sum of seventy thousand dollars (\$70,000.00) for electric light and power system extension purposes.

3. Against the issuance of bonds in the sum of seventy thousand dollars (\$70,000.00) for electric light and power system extension purposes, and

WHEREAS, said propositions were duly submitted to the voters at a special election held in the city of Maquoketa, Iowa, on the twenty-sixth (26th) day of April, 1922, and the majority of the voters voting at said election did vote in favor of said propositions; and

WHEREAS, doubts have arisen as to the validity of the proceedings; and

WHEREAS, the city council and citizens of said city desire to proceed in pursuance of said election to extend and improve the electric light and power plant and to issue the bonds as authorized by the voters at said election; now, therefore,

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

1 SECTION 1. That the special election held on the twenty-sixth  
2 (26th) day of April, 1922, providing for the construction and erection  
3 of extensions to the municipal electric light and power system by  
4 extending the distribution system and installing additional power sta-  
5 tion equipment and the issuance of seventy thousand dollars (\$70,-  
6 000.00) of bonds to secure funds with which to pay for said improve-  
7 ments and extensions and all the matters and things done in the call-  
8 ing and holding of said election and in the submission to the voters  
9 of the aforesaid propositions for the extension and improvement of  
10 the municipal electric light and power plant in the city of Maquoketa,  
11 Iowa, and the issuance of bonds therefor, or in any way connected  
12 therewith, be and the same is hereby declared to be legal and valid  
13 the same as though the law had in every respect been fully complied  
14 with, and the said city of Maquoketa is hereby authorized and em-  
15 powered to issue bonds in the sum of seventy thousand dollars  
16 (\$70,000.00) for the purpose of constructing and erecting extensions  
17 to the municipal electric light and power system of said city of Ma-  
18 quoketa, Iowa, by extending the distribution system and installing  
19 additional power station equipment, without again submitting the  
20 question of the issuing of the said bonds to a vote of the people, Pro-  
21 vided, however, nothing herein shall be held to affect pending litiga-  
22 tion.

1 SEC. 2. This act, being deemed of immediate importance, shall take  
2 effect from the date of its publication in the Des Moines Register, a  
3 newspaper published in Des Moines, Iowa, and the Maquoketa Excel-  
4 sior, a newspaper published in Maquoketa, Iowa, without expense to  
5 the state.

Approved March 20, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register March 22, 1923, and the Maquoketa Excelsior March 23, 1923.

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

## CHAPTER 362

## OSKALOOSA, IOWA

H. F. 810

AN ACT to legalize the transfer of funds by the city council of the city of Oskaloosa.

WHEREAS, taxes have been levied for the purpose of paying the amount due or to become due to any individual or company operating waterworks for water supplied under a contract to said city; and,

WHEREAS, the said city has purchased of the company so supplying water the waterworks system and now owns same; and,

WHEREAS, after having paid all amounts due under said contract for water supplied said city, there remains in said water fund the sum of \$4134.77; and,

WHEREAS, the purposes for which the tax levy had been made have been fully fulfilled and discharged and the amount of money remaining over and above the sum necessary to pay water rentals, namely \$4134.77 remained in the water fund and wholly inactive; and,

WHEREAS, the City of Oskaloosa has transferred said funds from the water fund to the waterworks fund to be appropriated therefor in paying the expenses of running, operating and repairing said city's waterworks and the interest on bonds issued to pay all or any part of the cost, renewal, repair or extension of such works, it being deemed necessary and advisable that said transfer be made, and there being no other manner in which such fund could be legally used; and,

WHEREAS, doubts have arisen concerning the legality of the transfer of the money in the water fund to the waterworks fund, although such transfer will operate to the best interest of the city and its citizens; now therefore

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

1 SECTION 1. City of Oskaloosa—water fund—transfer legalized. That  
2 the acts of the city council of the city of Oskaloosa, Iowa, in  
3 transferring the sum of \$4134.77, said sum constituting the balance  
4 remaining over in the water fund after all amounts due for water  
5 rentals have been paid, to the waterworks fund of the city of Oska-  
6 loosa, and the said sum appropriated to the expense of running, operat-  
7 ing and repairing said city's waterworks and the interest on bonds  
8 issued to pay all or any part of the cost, renewal, repair or extension  
9 of such waterworks, be and the same are hereby legalized and such  
10 transfer and the expenditure of such money for valid purposes in the  
11 city of Oskaloosa is hereby declared to be legal and proper in all  
12 respects.

1 SEC. 2. Pending litigation. Nothing in this act shall affect pend-  
2 ing litigation.

1 SEC. 3. Publication clause. This act being deemed of immediate  
2 importance shall take effect and be in force from and after its publica-

3 tion in the Des Moines Capital, a newspaper published in the city of  
 4 Des Moines, Iowa, and the Oskaloosa Daily Herald, a newspaper pub-  
 5 lished in the city of Oskaloosa, Iowa, without expense to the state.

Approved April 17, A. D. 1923.

I hereby certify that the foregoing act was published in the Oskaloosa Daily Herald April 24, 1923, and the Des Moines Capital April 24, 1923.

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

## CHAPTER 363

### OSKALOOSA, IOWA

H. F. 811

AN ACT to legalize an election held in the city of Oskaloosa, Iowa and the issuance and sale of bonds by said city pursuant thereto.

WHEREAS, pursuant to a petition duly filed with, and resolutions duly passed by the council of the city of Oskaloosa, Iowa, an election was held in said city on June 3d, 1922 whereat the proposition of purchasing the waterworks system in said city, owned by the Peoples Water Company and the proposition of issuing bonds of said city in the sum of two hundred thirty thousand dollars (\$230,000) for the purpose of purchasing said waterworks system were each approved by a majority of the electors voting at said election, said affirmative vote on the proposition of issuing said bonds being more than a majority of the total number of votes cast at the last preceding municipal election; and

WHEREAS, a contract for the sale of said bonds was thereafter entered into and the council of said city did on the 27th day of March, 1923, pursuant to said election, by ordinance duly adopted, authorize the issuance of bonds of said city in the sum of two hundred thirty thousand dollars (\$230,000) for the purpose aforesaid; and,

WHEREAS, doubts have arisen concerning the legal sufficiency of said petition, resolutions, election, sale and ordinance and the validity of said bonds and it is deemed advisable to put said doubts and all other doubts which may hereafter arise concerning said proceedings and said bonds forever at rest; now therefore

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

1 SECTION 1. That the election held in said city on June 3d, 1922 on  
 2 the proposition of purchasing the waterworks system in said city  
 3 from the Peoples Water Company and on the proposition of issuing  
 4 bonds in the amounts of two hundred thirty thousand dollars  
 5 (\$230,000) for the purpose of purchasing said system and all mat-  
 6 ters and things done in calling and holding said election, publishing  
 7 notice thereof, and in the submission to the electors of the aforesaid  
 8 propositions or in any way connected therewith, be and the same are  
 9 hereby declared to be legal and valid.

1     SEC. 2. That the sale of said bonds and the ordinance adopted by  
 2 the council of said city on March 27th, 1923 authorizing said bonds  
 3 be and the same is hereby declared to be legal and valid and that  
 4 waterworks bonds of said city in the aggregate amount of two hun-  
 5 dred thirty thousand dollars (\$230,000) be and the same are hereby  
 6 legalized and when issued and delivered are declared to constitute  
 7 valid, legal and subsisting obligations of the city of Oskaloosa, Iowa  
 8 and thereafter said city shall levy taxes for the payment of the prin-  
 9 cipal of and interest upon said waterworks bonds in accordance with  
 10 the provisions of the laws of the state of Iowa.

1     SEC. 3. Nothing in this act shall affect pending litigation.

1     SEC. 4. This act being deemed of immediate importance shall take  
 2 effect and be in force from and after its publication in the Des Moines  
 3 Capital, a newspaper published in the city of Des Moines, Iowa and the  
 4 Oskaloosa Daily Herald, a newspaper published in the city of Oska-  
 5 loosa, Iowa, without expense to the state.

Approved April 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Oskaloosa Daily Herald  
 April 14, 1923, and the Des Moines Capital April 13, 1923.

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

## CHAPTER 364

### MCCALLSBURG, IOWA

H. F. 807

AN ACT to legalize the official acts and proceedings of the mayors, town councils, town  
 treasurers and assessors of the incorporated town of McCallsburg, Iowa, elected in  
 each of the years 1911, 1913, 1915, 1917, 1919 and 1921.

WHEREAS, the town of McCallsburg is an incorporated town regularly  
 organized and incorporated under the laws of the state of Iowa; and

WHEREAS, there have been elected in the incorporated town of McCalls-  
 burg in each of the years 1911, 1913, 1915, 1917, 1919 and 1921, a mayor  
 and councilmen and a town treasurer and an assessor which have been  
 elected at the time and in the manner provided for election of such officers  
 in incorporated towns; and

WHEREAS, the councilmen so elected have in each said years qualified  
 for the office of councilman in and for the incorporated town of McCalls-  
 burg, Iowa, and have organized themselves into town councils in and for  
 said incorporated town, and have transacted such business in and for said  
 incorporated town as is usually performed by town councils; and

WHEREAS, the mayors and town treasurers and assessors so elected in  
 each of said years have qualified for the offices for which they have been  
 elected and have during their terms of office performed the duties pro-  
 vided by the laws of the state of Iowa to be performed by mayors, town  
 treasurers and assessors within and for such incorporated towns; and

WHEREAS, such officers have at all times acted in good faith, as regular officers with color of office, by virtue of the election held in said incorporated town in each of the years enumerated; and

WHEREAS, doubts have arisen as to the legality of the election of all of said officers by reason of a defect in the manner of the nomination of citizens for the various offices in each of the years above enumerated; therefore,

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

1 SECTION 1. That the elections held in the incorporated town of  
2 McCallsburg, Iowa, for mayor and for members of the town council  
3 and for town treasurer and for assessor in each of the years above  
4 enumerated, to wit: 1911, 1913, 1915, 1917, 1919 and 1921, are hereby  
5 legalized and validated as fully and completely as though all prelimi-  
6 nary legal formalities and requirements of the laws of Iowa, pertain-  
7 ing to the nomination and election of officers in and for incorporated  
8 towns had in all things been substantially and technically complied  
9 with in every respect. And the acts of such mayors, town councils,  
10 town treasurers and assessors, so elected and qualified, are hereby  
11 legalized and validated in so far as said acts would have been legal  
12 if said officers had been legally nominated and elected.

1 SEC. 2. This act shall in no wise affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect from and after its publication in the Nevada Evening Journal,  
3 a newspaper published at Nevada, Iowa, and Des Moines Register, a  
4 newspaper published in Des Moines, Iowa, without expense to the  
5 state.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Nevada Evening Journal April 22, 1923, and the Des Moines Register April 23, 1923.

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

## CHAPTER 365

### WALLINGFORD, IOWA

H. F. 673

AN ACT to legalize an ordinance of the incorporated town of Wallingford, Iowa, granting a franchise to Armstrong Cement Works, its successors or assigns, to erect and operate an electric light, heat and power plant in said town.

WHEREAS, an ordinance entitled "An ordinance providing for the construction, equipment, maintaining and operating of an electric light, heat and power plant in the incorporated town of Wallingford, Iowa, to furnish electric lights, electric current, heat and power to the public and private parties and authorizing the Armstrong Cement Works, their successors and assigns to operate the same and to use the streets, alleys and public

grounds in said town and for means of transmission" was passed and adopted by the town council of Wallingford, Iowa, on the 12th day of June, 1919, and

WHEREAS, doubts have arisen as to whether all provisions of law relating to the granting of franchises were strictly complied with, now, therefore,

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

1 SECTION 1. That an ordinance of the incorporated town of Wall-  
2 ingford, Iowa, passed on the 12th day of June, 1919, and entitled "An  
3 ordinance providing for the construction, equipment, maintaining and  
4 operating of an electric light, heat and power plant in the incorporated  
5 town of Wallingford, Iowa, to furnish electric lights, electric current,  
6 heat and power to the public and private parties and authorizing the  
7 Armstrong Cement Works, their successors and assigns to operate  
8 the same and to use the streets, alleys and public grounds in said  
9 town and for means of transmission" be and the same is hereby  
10 declared legal and valid the same as if all provisions of law relating  
11 to the granting of franchises had in all respects been strictly complied  
12 with.

1 SEC. 2. This act shall in no wise affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall be in  
2 force and effect from and after its publication in the Des Moines Reg-  
3 ister and the Des Moines Capital, newspapers published in Des Moines,  
4 Iowa, and without expense to the state.

Approved April 3, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 5, 1923, and the Des Moines Register April 6, 1923.

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

## CHAPTER 366

### WATERLOO, IOWA

S. F. 743

AN ACT to legalize the issuance of funding bonds of the city of Waterloo, Iowa, dated the 1st day of January, 1923, in the sum of fifty thousand dollars (\$50,000.00), issued in exchange for a like amount of indebtedness of the city of Waterloo, Iowa, as evidenced by warrants.

WHEREAS, the city of Waterloo, Black Hawk county, Iowa, did heretofore authorize and incur indebtedness in the sum of fifty thousand dollars (\$50,000.00), for lawful corporate purposes as permitted by law, and did issue warrants of said city in a like amount to evidence such indebtedness all in the manner and form as required by law; and

WHEREAS, said indebtedness was incurred for proper corporate purposes and the city of Waterloo is enjoying the use and benefits thereof and the

purposes for which said indebtedness was incurred was and is well worth the sum which said city contracted should be paid therefor; and

WHEREAS, at a properly convened meeting of the city council of said city held on January 16, 1923, a resolution entitled "Resolution providing for the issuance of \$50,000.00 funding bonds of the city of Waterloo, Iowa," was adopted for the purpose of funding the indebtedness represented by said warrants; and

WHEREAS, said bonds have been issued and exchanged for said warrants, and said indebtedness did not at the time it was incurred and said bonds did not at the time they were issued and do not now, with all other indebtedness of said city, exceed the constitutional limitation on indebtedness; now therefore

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

1 SECTION 1. That the acts of the city of Waterloo in making ex-  
2 penditures for said city, issuing warrants therefor in the sum of fifty  
3 thousand dollars (\$50,000.00), as aforesaid, and authorizing and di-  
4 recting the issuance of negotiable bonds in the sum of fifty thousand  
5 dollars (\$50,000.00), for the purpose of funding the aforesaid war-  
6 rants, and the issuance and exchange of said bonds for said warrants  
7 be and the same are hereby legalized and validated as fully and com-  
8 pletely as though all preliminary legal formalities and requirements  
9 of the laws of Iowa had in all things been substantially and technically  
10 complied with in every respect; and said bonds shall be and hereby  
11 are declared to be the binding and valid obligations of the city of  
12 Waterloo, Iowa.

1 SEC. 2. Nothing in this act shall affect any pending litigation.

1 SEC. 3. This act being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Capital and the Des Moines Register, newspapers published at Des  
4 Moines, Iowa, and of general circulation in the state of Iowa, without  
5 expense to the state.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 22, 1923, and the Des Moines Capital April 24, 1923.

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

## CHAPTER 367

## CONSOLIDATED INDEPENDENT SCHOOL DISTRICT OF CARSON

H. F. 729

AN ACT to legalize an election in the consolidated independent school district of Carson, in the county of Pottawattamie, state of Iowa, on the proposition of issuing bonds and to legalize all acts and proceedings of the board of directors in respect of the issuance and sale of said bonds.

WHEREAS, at an election held within the consolidated independent school district of Carson, in the county of Pottawattamie, state of Iowa, on November 14th, 1919, there was submitted to the voters of said consolidated independent school district the proposition of issuing bonds in the sum of thirty thousand dollars (\$30,000) for the purpose of constructing and equipping an addition to the schoolhouse; and

WHEREAS, a majority of the votes cast at said election, were in favor of the proposition submitted; and

WHEREAS, the board of directors of said consolidated independent school district have adopted a resolution authorizing the issuance of said bonds in the amount of thirty thousand dollars (\$30,000); and

WHEREAS, pursuant to notice of the sale of said bonds duly given a contract for the sale of said bonds has been entered into under authority of the board of directors of said consolidated independent school district; and

WHEREAS, doubts have arisen as to the legality of the proceedings relating to the election, the authorization, and sale of said bonds and it is deemed advisable to put said doubts and all other doubts which may arise concerning the legality of said proceedings or the validity of said bonds forever at rest; now therefore

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

1 SECTION 1. That the election held within the consolidated inde-  
2 pendent school district of Carson, in the county of Pottawattamie,  
3 state of Iowa, herein referred to, be and the same is hereby declared  
4 to be legal and valid, notwithstanding any irregularities or omissions  
5 or defects in connection therewith.

1 SEC. 2. That the school building bonds of said consolidated inde-  
2 pendent school district in the aggregate amount of thirty thousand  
3 dollars (\$30,000) authorized by the board of directors, when issued,  
4 sold and delivered to the purchasers, and the sale thereof, are hereby  
5 declared to be legal and to constitute valid and binding obligations of  
6 said consolidated independent school district, notwithstanding any  
7 irregularities or omissions or defects in connection therewith.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the "Des Moines



3 Register" a newspaper published in Des Moines, Iowa, and the "Car-  
4 son Critic" a newspaper published in Carson, Iowa, without expense  
5 to the state.

Approved April 12, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 16, 1923, and the Carson Critic April 19, 1923.

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

## CHAPTER 368

### INDEPENDENT SCHOOL DISTRICT OF GREENE

#### H. F. 399

AN ACT to legalize \$105,000.00 school building bonds dated May 1, 1920, of the independent school district of Greene, Butler county, Iowa.

WHEREAS, the board of directors of the independent school district of Greene, in the county of Butler, state of Iowa, did under date of October 18, 1920, issue and sell its negotiable school building bonds in the sum of one hundred and five thousand dollars (\$105,000.00), dated May 1, 1920, which bonds were authorized by a majority of the qualified voters of the school district voting at an election duly called and held pursuant to a petition duly filed and pursuant to notice duly given, all in strict compliance with the provisions of the laws of Iowa governing the issuing of school building bonds; and

WHEREAS, doubts have arisen concerning the validity of said bonds, for the reason the petition did not state the amount of bonds to be voted upon; and

WHEREAS, it is deemed advisable to set aside all doubts concerning the validity of said bonds for the reason aforesaid, and all other doubts which may arise; now therefore,

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

1 SECTION 1. That the one hundred and five thousand dollars  
2 (\$105,000.00) school building bonds dated May 1, 1920, issued and  
3 sold under date of October 18, 1920, by the officials of the independent  
4 school district of Greene, Butler county, Iowa, are hereby legalized  
5 and validated.

1 SEC. 2. Nothing in this act shall affect pending litigation.

Approved March 28, A. D. 1923.

## CHAPTER 369

## INDEPENDENT SCHOOL DISTRICT OF LAWLER

H. F. 739

AN ACT to legalize an election held on the 25th day of March, 1920, in the independent school district of Lawler, in the county of Chickasaw, state of Iowa, for the purpose of voting on the issuance of bonds of said district in the sum of \$30,000.00 for the purpose of constructing and equipping an addition to the schoolhouse of said district and to legalize all acts and proceedings of the board of directors of said district in respect to said election and said bonds.

WHEREAS, At an election held within the independent school district of Lawler, county of Chickasaw, state of Iowa, on the 25th day of March, 1920, there was submitted to the voters of said district the proposition of the issuance of bonds in the sum of \$30,000.00 for the purpose of constructing and equipping an addition to the schoolhouse of said district, and

WHEREAS, a majority of the votes cast at said election were in favor of the proposition submitted, and

WHEREAS, it is desired to legalize said election and all acts and proceedings in respect to said election and said bonds and to authorize the issuance of said bonds by said district, now therefore

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

1 SECTION 1. That the election held on the 25th day of March, 1920,  
2 within the independent school district of Lawler, county of Chickasaw,  
3 state of Iowa, whereat was submitted the question of the issuance of  
4 bonds of said district in the sum of \$30,000.00 for the purpose of con-  
5 structing and equipping an addition to the schoolhouse and all mat-  
6 ters and things done in calling, noticing and holding said election  
7 and the form of ballot used thereat, be and the same are hereby de-  
8 clared to be legal and valid, notwithstanding any irregularity, omis-  
9 sion or defect in connection therewith and said bonds or any part of  
10 same, when sold and delivered as provided by law, shall constitute  
11 valid and binding obligations of said independent school district.

1 SEC. 2. This act shall not affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Register, a newspaper published in Des Moines, Iowa, and in the  
4 Lawler Dispatch, a newspaper published in Lawler, Iowa, without ex-  
5 pense to the state.

Approved April 11, A. D., 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 13, 1923, and the Lawler Dispatch April 18, 1923.

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

## CHAPTER 370

## CONSOLIDATED INDEPENDENT SCHOOL DISTRICT OF MILFORD TOWNSHIP

H. F. 292

AN ACT to legalize an election in the consolidated independent school district of Milford township, in the county of Story, state of Iowa on the proposition of issuing bonds and to legalize all acts and proceedings of the board of directors in respect of the issuance and sale of said bonds.

WHEREAS, at an election held within the consolidated independent school district of Milford township, in the county of Story, state of Iowa on April 22d, 1920, there was submitted to the voters of said consolidated independent school district the proposition of issuing bonds in the sum of ninety thousand dollars (\$90,000) for the purpose of constructing and equipping a new schoolhouse and procuring a site therefor; and

WHEREAS, a majority of the votes cast at said election were in favor of the proposition submitted; and

WHEREAS, the board of directors of said consolidated independent school district have adopted three several resolutions authorizing the issuance of said bonds in the amounts of twenty-four thousand dollars (\$24,000), twenty-four thousand dollars (\$24,000), and twenty-two thousand dollars (\$22,000) and designated as series "A", "B" and "C" respectively; and

WHEREAS, contracts for the sale of said bonds have been entered into under authority of the board of directors of said consolidated independent school district; and

WHEREAS, doubts have arisen as to the legality of the proceedings relating to the election, the authorization, and sale of said bonds and it is deemed advisable to put said doubts and all other doubts which may arise concerning the legality of said proceedings or the validity of said bonds forever at rest; now therefore

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

1 SECTION 1. That the election held within the consolidated inde-  
2 pendent school district of Milford township, in the county of Story,  
3 state of Iowa herein referred to, be and the same is hereby declared  
4 to be legal and valid, notwithstanding any irregularities or omissions  
5 or defects in connection therewith.

1 SEC. 2. That the school building bonds of said consolidated inde-  
2 pendent school district in the aggregate amount of seventy thousand  
3 dollars (\$70,000) authorized by the board of directors, and designated  
4 as series "A", "B" and "C", when issued, sold and delivered to the  
5 purchasers, are hereby declared to be legal and to constitute valid  
6 and binding obligations of said consolidated independent school dis-  
7 trict.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines

3 Register, a newspaper published in Des Moines, Iowa and the Nevada  
 4 Evening Journal, a newspaper published in Nevada, Iowa, without  
 5 expense to the state.

Approved April 6, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
 April 9, 1923, and the Nevada Evening Journal April 9, 1923.

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

## CHAPTER 371

### CONSOLIDATED INDEPENDENT SCHOOL DISTRICT OF MOORLAND

H. F. 457

AN ACT to legalize \$78,000.00 school building bonds dated August 1st, 1921, of the consolidated independent school district of Moorland, Webster county, Iowa.

WHEREAS, The board of directors of the consolidated independent school district of Moorland, in the county of Webster, state of Iowa, did under date of September 14th, 1921, issue and sell its negotiable school building bonds in the sum of \$78,000.00 dated August 1st, 1921, which bonds were authorized by a majority of the qualified voters of the school district voting at an election duly called and held pursuant to a petition duly filed and pursuant to notice duly given, all in strict compliance with the provisions of the laws of Iowa governing the issuing of school building bonds; and

WHEREAS, Doubts have arisen concerning the validity of said bonds, for the reason the form of ballot submitting to the voters the question of issuing bonds, stated the purpose of the issue as being for "constructing and erecting a schoolhouse"; and

WHEREAS, The petition asking that the election be called, and the notice of election published, indicated the purpose of the issue as being for "constructing and equipping a new schoolhouse"; and

WHEREAS, The bonds were issued and the proceeds used for the purpose of constructing and equipping a new schoolhouse; and

WHEREAS, It is deemed advisable to set aside all doubts concerning the validity of said bonds for the reason aforesaid, and all other doubts which may arise; now therefore

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

1 SECTION 1. That the \$78,000.00 school building bonds dated August  
 2 1st, 1921, issued and sold under date of September 14th, 1921, by the  
 3 officials of the consolidated independent school district of Moorland,  
 4 Webster county, Iowa, are hereby legalized and validated.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the Des

3 Moines Capital, a newspaper published in the city of Des Moines,  
4 Iowa, and the Fort Dodge Messenger, a newspaper published in the  
5 city of Fort Dodge, Iowa, without expense to the state.

Approved March 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital March 26, 1923, and the Fort Dodge Messenger April 5, 1923.

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

## CHAPTER 372

### CONSOLIDATED INDEPENDENT SCHOOL DISTRICT OF NODAWAY

H. F. 333

AN ACT to legalize \$84,000.00 school building bonds dated July 1st, 1921, of the consolidated independent school district of Nodaway, Adams county, Iowa.

WHEREAS, The board of directors of the consolidated independent school district of Nodaway, in the county of Adams, state of Iowa, did under date of September 4th, 1921, issue and sell its negotiable school building bonds in the sum of \$84,000.00, dated July 1st, 1921, which bonds were authorized by a majority of the qualified voters of the school district voting at an election duly called and held pursuant to a petition duly filed and pursuant to notice duly given, all in strict compliance with the provisions of the laws of Iowa governing the issuing of school building bonds; and

WHEREAS, Doubts have arisen concerning the validity of said bonds, for the reason the notice of election did not specify the exact place whereat the election was to be held; and

WHEREAS, The election was duly conducted on the 14th day of June, 1921, at which election there were 380 votes cast, constituting 90% of the total number of legal voters within said district, 213 votes being cast in favor of the issuance of the bonds, and 167 votes being cast against the issuance of the bonds; and

WHEREAS, The total number of votes cast in favor of the issuance of bonds, exceeded the total number of votes cast against the issuance of bonds, plus the votes which could have been cast by the remaining 10% of the voters who did not vote; and

WHEREAS, It is deemed advisable to set aside all doubts concerning the validity of said bonds for the reason aforesaid, and all other doubts which may arise; now, therefore,

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

1 SECTION 1. That the \$84,000.00 school building bonds dated July  
2 1st, 1921, issued and sold under date of September 4th, 1921, by the  
3 officials of the consolidated independent school district of Nodaway,  
4 Adams county, Iowa, are hereby legalized and validated.

1 SEC. 2. Nothing in this act shall affect pending litigation.

Approved February 24, A. D. 1923.

## CHAPTER 373

## CONSOLIDATED INDEPENDENT SCHOOL DISTRICT OF TREYNOR

H. F. 406

AN ACT to legalize \$75,000.00 school building bonds dated November 1st, 1921, of the consolidated independent school district of Treynor, Pottawattamie county, Iowa.

WHEREAS, The board of directors of the consolidated independent school district of Treynor, in the county of Pottawattamie, state of Iowa, did under date of November 7th, 1921, issue and sell its negotiable school building bonds in the sum of \$75,000.00, dated November 1st, 1921, which bonds were authorized by a majority of the qualified voters of the school district voting at an election duly called and held pursuant to a petition duly filed and pursuant to a notice duly given, all in strict compliance with the provisions of the laws of Iowa governing the issuing of school building bonds; and

WHEREAS, Doubts have arisen concerning the validity of said bonds, for the reason the petition, notice of election and proposition submitted to the voters, contained a statement to the effect part of the bond issue was to be used for liquidating certain bonds and obligations of the district; and

WHEREAS, said bonds and obligations actually constituted warrants drawn and payable from the school building fund for school building purposes; and

WHEREAS, It is deemed advisable to set aside all doubts concerning the validity of said bonds for the reason aforesaid, and all other doubts which may arise; now therefore

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

1 SECTION 1. That the \$75,000.00 school building bonds dated Novem-  
2 ber 1st, 1921, issued and sold under date of November 7th, 1921, by  
3 the officials of the consolidated independent school district of Treynor,  
4 Pottawattamie county, Iowa, are hereby legalized and validated.

1 SEC. 2. Nothing in this act shall affect pending litigation.

Approved March 16, A. D. 1923.

## CHAPTER 374

## INDEPENDENT SCHOOL DISTRICT NO. 1

H. F. 670

AN ACT to legalize the certification by the county auditor, Bremer county, Iowa, of the annual levy for school purposes for the school year 1922-1923 of the independent school district No. one (1), Douglas township, Bremer county, Iowa, to the Bremer county board of supervisors, in the sum of eight hundred dollars (\$800.00).

WHEREAS, at the annual meeting, being the first Monday in July, of the board of directors of the independent school district No. one (1), Douglas township, Bremer county, Iowa, there was levied for school purposes for the school year 1922-1923, the sum of eight hundred dollars (\$800.00) which was recorded in the books of the secretary as by law provided.

WHEREAS, the secretary of said school district failed to report such levy to the county auditor, and such levy was not published at the time, as by law provided.

WHEREAS, the secretary of said school district reported such levy to the county auditor after the date specified for filing such report as required by law, whereupon the county auditor, Bremer county, Iowa, published such levy in the Waverly Democrat as provided by law, and certified the same to the board of supervisors.

WHEREAS, doubts have arisen as to the legality and validity of the report of said secretary and the publication and certification thereof by the county auditor; now, therefore,

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

1 SECTION 1. That the report of the secretary of the independent  
2 school district No. one (1), Douglas township, Bremer county, to the  
3 county auditor, of the annual levy for school purposes for the school  
4 year 1922-1923 of the independent school district No. one (1), Doug-  
5 las township, Bremer county, Iowa, in the sum of eight hundred dol-  
6 lars (\$800.00) and the publication and certification thereof by the  
7 county auditor, be and the same are hereby declared to be legal and  
8 valid, notwithstanding such failure to report to the county auditor  
9 the certification and publication thereof, as otherwise provided.

10 That it be and is hereby declared that said levy of eight hundred  
11 dollars (\$800.00) by the board of directors of said school district, and  
12 all clerical duties in connection therewith, be valid and binding.

1 SEC. 2. This act shall not affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Register, a newspaper published at Des Moines, Iowa, and in the  
4 Waverly Democrat, a newspaper published at Waverly, Iowa, without  
5 expense to the state.

Approved April 11, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register April 13, 1923, and the Waverly Democrat April 19, 1923.

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

## CHAPTER 375

## DRAINAGE DISTRICT NO. 26

## POLK COUNTY

H. F. 637

AN ACT to legalize the acts and proceedings in relation to drainage district number twenty-six (26) Polk county, Iowa.

WHEREAS, pursuant to proper petition of landowners, upon recommendation of a competent engineer, and the order of the board of supervisors of Polk county, Iowa, notice was given to the owner of each lot or tract of land within drainage district number twenty-six (26) of said county as shown by the transfer books of the auditor's office, and to all lien holders or incumbrancers of any land located therein, of the hearing on the establishment of said drainage district; and

WHEREAS, said notice failed to designate by name each lien holder and incumbrancer of said lands; and

WHEREAS, doubts have arisen as to the legal sufficiency of said notice of hearing on the establishment of said district as against said lien holders and incumbrancers of lands within said district, and it is deemed advisable to put said doubts and all other doubts regarding the legality of said proceedings and acts forever at rest; now therefore

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

1 SECTION 1. That all proceedings and acts of the board of super-  
2 visors and other officers of the county of Polk, in the state of Iowa,  
3 in relation to drainage district number twenty-six (26) within said  
4 county be and the same are hereby legalized in all respects as if all of  
5 the provisions of the laws of the state of Iowa with regard to such  
6 proceedings had been fully and strictly complied with.

1 SEC. 2. Nothing in this act shall in any manner affect pending liti-  
2 gation.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Capital and the Des Moines Daily Record, newspapers published in  
4 the city of Des Moines, Iowa, all without expense to the state.

Approved April 12, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 14, 1923, and the Des Moines Daily Record April 16, 1923.

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



## CHAPTER 376

## DRAINAGE DISTRICT NO. 28

## POLK COUNTY

H. F. 636

AN ACT to legalize the acts and proceedings in relation to drainage district number twenty-eight (28), Polk county, Iowa.

WHEREAS, pursuant to proper petition of landowners, upon recommendation of a competent engineer, and the order of the board of supervisors of Polk county, Iowa, notice was given to the owner of each lot or tract of land within drainage district number twenty-eight (28) of said county as shown by the transfer books of the auditor's office, and to all lien holders or incumbrancers of any land located therein, of the hearing on the establishment of said drainage district; and

WHEREAS, said notice failed to designate by name each lien holder and incumbrancer of said lands; and

WHEREAS, doubts have arisen as to the legal sufficiency of said notice of hearing on the establishment of said district as against said lien holders and incumbrancers of lands within said district; and it is deemed advisable to put said doubts and all other doubts regarding the legality of said proceedings and acts forever at rest; now therefore

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

1 SECTION 1. That all proceedings and acts of the board of super-  
2 visors and other officers of the county of Polk, in the state of Iowa,  
3 in relation to drainage district number twenty-eight (28) within said  
4 county be and the same are hereby legalized in all respects as if all  
5 of the provisions of the laws of the state of Iowa with regard to  
6 such proceedings had been fully and strictly complied with.

1 SEC. 2. Nothing in this act shall in any manner affect pending liti-  
2 gation.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Daily Record and the Des Moines Capital, newspapers published in  
4 the city of Des Moines, Iowa, all without expense to the state.

Approved April 17, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Daily Record April 21, 1923, and the Des Moines Capital April 21, 1923.

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

## CHAPTER 377

## DRAINAGE DISTRICT NO. 29

## POLK COUNTY

H. F. 638

AN ACT to legalize the acts and proceedings in relation to drainage district number 29, Polk county, Iowa.

WHEREAS, there has been heretofore established in Polk county, Iowa, a drainage district known and designated as drainage district number 29; and

WHEREAS, assessments have been duly levied against each lot and tract of land within said district; and

WHEREAS, doubts have arisen as to the sufficiency of the notice of hearing on the establishment of said district, the notice of hearing on assessments, and the acts and proceedings of the board of supervisors and other officers of said county in respect to said district, and it is deemed advisable to put said doubts and all other doubts regarding the legality of said notices, proceedings and acts forever at rest; now therefore

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

1 SECTION 1. That all proceedings and acts of the board of super-  
2 visors and other officers of the county of Polk in the state of Iowa  
3 in relation to drainage district number 29, within said county, be and  
4 the same are hereby legalized in all respects as if all of the provisions  
5 of the laws of the state of Iowa in respect of the notice of hearing on  
6 the establishment of said district, the notice of hearing on the assess-  
7 ments levied on account of said district, and the acts and proceedings  
8 of said board of supervisors and other officers had been fully and  
9 strictly complied with.

1 SEC. 2. Nothing in this act shall in any manner affect pending liti-  
2 gation.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Capital and Des Moines Daily Record, newspapers published in the  
4 city of Des Moines, Iowa, all without expense to the state.

Approved April 12, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 14, 1923, and the Des Moines Daily Record April 16, 1923.

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

## CHAPTER 378

## DRAINAGE DISTRICT NO. 30

## POLK COUNTY

H. F. 639

AN ACT to legalize the acts and proceedings in relation to drainage district number thirty (30) Polk county, Iowa.

WHEREAS, pursuant to proper petition of landowners, upon recommendation of a competent engineer, and the order of the board of supervisors of Polk county, Iowa, notice was given to the owner of each lot or tract of land within drainage district number thirty (30) of said county as shown by the transfer books of the auditor's office, and to all lien holders or incumbrancers of any land located therein, of the hearing on the establishment of said drainage district; and

WHEREAS, said notice failed to designate by name each lien holder and incumbrancer of said lands; and

WHEREAS, doubts have arisen as to the legal sufficiency of said notice of hearing on the establishment of said district as against said lien holders and incumbrancers of land within said district, and it is deemed advisable to put said doubts and all other doubts regarding the legality of said proceedings and acts forever at rest; now therefore

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

1 SECTION 1. That all proceedings and acts of the board of super-  
2 visors and other officers of the county of Polk, in the state of Iowa,  
3 in relation to drainage district number thirty (30) within said county  
4 be and the same are hereby legalized in all respects as if all of the  
5 provisions of the laws of the state of Iowa with regard to such pro-  
6 ceedings had been fully and strictly complied with.

1 SEC. 2. Nothing in this act shall in any manner affect pending liti-  
2 gation.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Daily Record and the Des Moines Capital, newspapers published in  
4 the city of Des Moines, Iowa, all without expense to the state.

Approved April 11, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital April 12, 1923, and the Des Moines Daily Record April 13, 1923.

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

## CHAPTER 379

## SUGAR CREEK DRAINAGE DISTRICT NO. 1

## MARION COUNTY

S. F. 742

AN ACT to legalize the acts and proceedings of the board of supervisors and other officers of the county of Marion, in the state of Iowa, in relation to Sugar Creek drainage district number one, Marion county, Iowa.

WHEREAS, There has been heretofore established in Marion county, Iowa, a drainage district known and designated as Sugar Creek drainage district number one; and

WHEREAS, Assessments have been duly levied against each lot and tract of land within said district; and

WHEREAS, Doubts have arisen as to the sufficiency of the notice of hearing on the establishment of said district, the notice of hearing on assessments, and the acts and proceedings of the board of supervisors and other officers of said county in respect to said district, and it is deemed advisable to put said doubts and all other doubts regarding the legality of said notices, proceedings and acts forever at rest; now therefore

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

1 SECTION 1. That all proceedings and acts of the board of super-  
2 visors and other officers of the county of Marion in the state of Iowa  
3 in relation to Sugar Creek drainage district number one, within said  
4 county, be and the same are hereby legalized in all respects as if all  
5 of the provisions of the laws of the state of Iowa in respect to the  
6 notice of hearing on the establishment of said district, the notice of  
7 hearing on the assessments levied on account of said district, and  
8 the acts and proceedings of said board of supervisors and other officers  
9 had been fully and strictly complied with.

1 SEC. 2. Nothing in this act shall in any manner affect pending  
2 litigation.

1 SEC. 3. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Des Moines  
3 Capital, published at Des Moines, Iowa, and the Knoxville Journal,  
4 published at Knoxville, Iowa, without expense to the state.

Approved April 12, A. D. 1923.

I hereby certify that the foregoing act was published in the Knoxville Journal June 7, 1923, and the Des Moines Capital, April 13, 1923.

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

## CHAPTER 380

## NOTICE OF INCORPORATION

H. F. 480

AN ACT to legalize the publication of certain notices of incorporation in cases where notice had not been published within the time as provided in section sixteen hundred fourteen (1614) of the code (C. C. 5334).

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

1 SECTION 1. **Publication after required time.** That in all instances  
2 where the incorporators of corporations organized in this state for  
3 pecuniary profit have omitted to publish notices of such incorporation  
4 within three months from and after the date of the certificates of  
5 incorporation issued by the secretary of state, but did publish such  
6 notices thereafter in the manner and form as required by law, such  
7 notices of incorporation are hereby legalized, and shall have the same  
8 force and effect as though published within said period of three  
9 months.

1 SEC. 2. **Pending litigation.** Nothing herein contained shall be so  
2 construed as to affect any pending litigation.

Approved April 11, A. D. 1923.

## CHAPTER 381

## B. &amp; K. COAL COMPANY

H. F. 530

AN ACT to legalize the incorporation, including the notice of incorporation and the publication thereof, and corporate acts and proceedings relating to the incorporation of the B. & K. Coal Company of Burlington, Iowa.

WHEREAS, the B. & K. Coal company of Burlington, Iowa adopted articles of incorporation and filed the same in the office of the recorder of Lee county, Iowa, and in the office of the secretary of state of Iowa but omitted to publish notice of its incorporation within three months from the date of the certificate of the incorporation issued by the secretary of state; and

WHEREAS, the said B. & K. Coal company of Burlington, Iowa, duly received a certificate of incorporation from the secretary of state and has been doing business as a corporation in the state of Iowa since November 24, 1920, the same being the date of issuance of the said certificate; now, therefore,

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

1 SECTION 1. That all the proceedings for the organization of the  
2 B. & K. Coal Company of Burlington, Iowa, as a corporation under

3 the laws of the state of Iowa, including the articles of incorporation,  
 4 the notice of incorporation and the publication thereof and all the  
 5 acts and proceedings relating to the incorporation of the B. & K.  
 6 Coal Company of Burlington, Iowa, as a corporation be and the same  
 7 hereby are in all things legalized and declared to be legal and valid  
 8 the same as if all of the provisions of the statute in relation thereto  
 9 had been in all respects strictly and fully complied with.

1 SEC. 2. Nothing herein contained shall be construed as to affect  
 2 pending litigation, if any.

1 SEC. 3. This act being deemed of immediate importance shall be  
 2 in force and effect from and after its publication in the Des Moines  
 3 Register, a newspaper published in Des Moines, Iowa, and the Bur-  
 4 lington Gazette, a newspaper published in Burlington, Iowa, without  
 5 expense to the state.

Approved March 16, A. D. 1923.

I hereby certify that the foregoing act was published in the Burlington Gazette March  
 19, 1923, and the Des Moines Register March 20, 1923.

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

## CHAPTER 382

### RINGSTED, IOWA

H. F. 676

AN ACT to legalize an ordinance of the incorporated town of Ringsted, Iowa, granting  
 a franchise to Armstrong Cement Works, its successors or assigns, to erect and  
 operate an electric light, heat and power plant in said town.

WHEREAS, an ordinance entitled "An ordinance providing for the con-  
 struction, equipment, maintaining and operating of an electric light, heat  
 and power plant in the incorporated town of Ringsted, Iowa, to furnish  
 electric lights, electric currents, heat and power to the Cement Works,  
 their successors and assigns to operate the same and to use the streets,  
 alleys and public ground in said town for means of transmission." was  
 passed and adopted by the town council of Ringsted, Iowa, on the 26th day  
 of March, 1918, and

WHEREAS, doubts have arisen as to whether all provisions of law relating  
 to the granting of franchises were strictly complied with, Now, Therefore,

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

1 SECTION 1. That an ordinance of the incorporated town of Ring-  
 2 sted, Iowa, passed on the 26th day of March, 1918, and entitled "An  
 3 ordinance providing for the construction, equipment, maintaining and  
 4 operating of an electric light, heat and power plant in the incor-  
 5 porated town of Ringsted, Iowa, to furnish electric lights, electric cur-  
 6 rents, heat and power to the public and private parties, and author-  
 7 izing the Armstrong Cement Works, their successors and assigns to

8 operate the same and to use the streets, alleys and public ground in  
 9 said town for means of transmission." be and the same is hereby de-  
 10 clared legal and valid the same as if all provisions of law relating to  
 11 the granting of franchises had in all respects been strictly complied  
 12 with.

1 SEC. 2. This act shall in no wise affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall be in  
 2 force and effect from and after its publication in the Des Moines Regis-  
 3 ter and the Des Moines Capital, newspapers published in Des Moines,  
 4 Iowa, and without expense to the state.

Approved April 3, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
 April 5, 1923, and the Des Moines Register April 6, 1923.

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

Note: There is an omission of several words in the recital, in the preamble to this  
 act, of the title of the ordinance. See title of ordinance in section 1.

## CHAPTER 383

### GRAETTINGER TILE WORKS

H. F. 274

AN ACT to legalize the incorporation, including the notice of incorporation and the pub-  
 lication thereof, and corporate acts and proceedings relating to the incorporation of  
 the Graettinger Tile Works of Graettinger, Iowa.

WHEREAS, the Graettinger Tile Works, of Graettinger, Iowa, adopted  
 articles of incorporation and filed the same in the office of the recorder of  
 Palo Alto county, Iowa, and in the office of the secretary of the state of  
 Iowa, and also published notice of incorporation and filed the same with  
 proof of publication thereof in the office of the secretary of state; and

WHEREAS, the said Graettinger Tile Works of Graettinger, Iowa, duly  
 received a certificate of incorporation from the secretary of state, and has  
 been doing business as a corporation in the state of Iowa, for a number of  
 years; and

WHEREAS, doubts have arisen as to whether said articles, notice and  
 publication fully comply with the statute governing the same; now, there-  
 fore,

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

1 SECTION 1. That all of the proceedings for the organization of the  
 2 Graettinger Tile Works of Graettinger, Iowa, as a corporation under  
 3 the laws of the state of Iowa, including the articles of incorporation,  
 4 the notice of incorporation and the publication thereof and all the acts  
 5 and proceedings relating to the incorporation of the Graettinger Tile  
 6 Works of Graettinger, Iowa, as a corporation be and the same hereby  
 7 are in all things legalized and declared to be legal and valid the same

8 as if all of the provisions of the statute in relation thereto had been  
9 in all respects strictly and fully complied with.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall be in  
2 force and effect from and after its publication in the Des Moines Reg-  
3 ister, a newspaper published in Des Moines, Iowa, and the Graettinger  
4 Times, a newspaper published in Graettinger, Iowa, without expense  
5 to the state.

Approved February 7, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
February 16, 1923, and the Graettinger Times March 1, 1923.

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

## CHAPTER 384

### GRUNDY CONSTRUCTION COMPANY

H. F. 595

AN ACT to legalize the notice of incorporation of the Grundy Construction Company.

WHEREAS, the incorporators of the Grundy Construction Company, a corporation having its principal place of business at Grundy Center, Iowa, omitted to publish notice of its incorporation within three months from the date of the certificate of incorporation issued by the secretary of state, but has published said notice thereafter; now, therefore,

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

SECTION 1. Grundy construction company—notice of incorporation  
1 legalized. That the notice of incorporation of the Grundy construction  
2 company heretofore published, after the expiration of three months  
3 from the date of the certificate of incorporation issued by the secre-  
4 tary of state, is hereby legalized and shall have the same force and  
5 effect as though published within said period of three months.

1 SEC. 2. Pending litigation. Nothing herein contained shall be con-  
2 strued as to affect pending litigation, if any.

Approved April 20, A. D. 1923.



## JOINT RESOLUTIONS

### CHAPTER 385

#### LEGISLATIVE EMPLOYEES

##### H. J. R. 1

JOINT RESOLUTION fixing the compensation of the officers and employees of the fortieth general assembly and providing for an electrician and assistant electrician to operate the voting machine in the house of representatives and fixing their compensation therefor.

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

1 SECTION 1. That pursuant to the provisions of chapter one (1),  
2 acts of the thirty-eighth general assembly, it is provided that the  
3 compensation of all officers and employees of the fortieth general  
4 assembly, shall be at the same rate for corresponding services as paid  
5 during the thirty-eighth general assembly except by reason of addi-  
6 tional duties assigned, the salary of the assistant sergeant-at-arms  
7 of the house shall be fixed at the sum of \$5.00 per diem.

1 SEC. 2. That there be employed under the direction of the chief  
2 clerk of the house of representatives, for the purpose of operating the  
3 voting machine in the house of representatives, an electrician at a  
4 salary of two hundred dollars (\$200.00) per month and an assistant  
5 electrician at a salary of one hundred dollars (\$100.00) per month.

1 SEC. 3. That the salary of the chief electrician shall commence  
2 from the time he was assigned to this service by the executive coun-  
3 cil of the state of Iowa, and the assistant from January 2, 1923.

1 SEC. 4. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Des Moines  
3 Register and the Des Moines Capital, newspapers published in Des  
4 Moines, Iowa.

Approved January 23, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital January 24, 1923, and in the Des Moines Register January 25, 1923.

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

## CHAPTER 386

## LEGISLATIVE EMPLOYEES

## H. J. R. 4

JOINT RESOLUTION relating to the selection of additional employees of the fortieth general assembly of the state of Iowa, fixing their compensation, and defining their duties.

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

- 1 SECTION 1. That the action of the joint patronage committee under  
2 authority conferred upon it by concurrent resolution of this assembly  
3 previously passed, in nominating and recommending the following as  
4 extra help required by the work of this assembly be and the same is  
5 hereby approved and the state auditor is, upon pay roll duly approved,  
6 authorized and instructed to pay them at the rates and for such  
7 services actually rendered during the period hereafter limited.
- 8 Under the custodian:
- 9 1. As janitors at a compensation of \$100 per month dating from  
10 the convening of this session and for the period covered by the ses-  
11 sion: Samuel Blackburn, Frank Cassady, Jake Tobis, Charles S.  
12 Harris, W. F. Wiley, Otha Blue, Ed F. Butler, A. L. Durant.
- 13 2. One messenger and mail carrier, Robert Grund, at a compensa-  
14 tion of \$3.00 per day dating from the convening of and continuing  
15 during the session.
- 16 3. One assistant matron, Mrs. Ella Johnson, at a compensation of  
17 \$3.00 per day dating from the convening of and continuing during the  
18 session.
- 19 4. One extra fireman, Wm. A. Graves, at a compensation of \$115.00  
20 per month dating from the convening of and continuing during the  
21 session.
- 22 5. Two extra elevator tenders, Warren Shaffer and Fred Boilich, at  
23 a compensation of \$100.00 per month dating from the convening of  
24 and continuing during the session.
- 25 6. One assistant doorkeeper, J. H. McFarland, at a compensation  
26 of \$4.00 per day, from and including January 16th, 1923, and con-  
27 tinuing through the session.
- 28 7. An assistant to the state house postmaster (not the legislative  
29 postmistress), Fred H. Johnson, at a compensation of \$3.00 per day  
30 dating from the convening of and continuing during the session.
- 31 Each of said employees shall be subject to removal by the commit-  
32 tee or by the custodian upon the approval of the committee.
- 33 In the state law library
- 34 8. One research assistant, Owen Cunningham, at a compensation  
35 of \$4.00 per day dating from and including January 13th, 1923, and  
36 continuing during the session.
- 37 9. One stenographer, Miss Mary Korn, at a compensation of \$4.00  
38 per day from and including January 11th, 1923, and continuing during  
39 the session.
- 40 10. One page, Kenneth Bullington, at a compensation of \$2.00 per  
41 day dating from and including January 10th, 1923, and continuing  
42 during the session.

43 Each of said employees shall be subject to removal by this commit-  
44 tee or by the curator of the law library upon the approval of this com-  
45 mittee.

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect from and after its publication in The Des Moines Capital and  
3 Iowa Forum, newspapers published in Des Moines, Iowa.

Approved January 27, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital  
January 29, 1923, and in the Iowa Forum January 31, 1923.

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

## CHAPTER 387

### ELIGIBILITY OF MEMBERS OF HOUSE OF REPRESENTATIVES

H. J. R. 5

JOINT RESOLUTION proposing to amend section four (4), article three (3) of the con-  
stitution of the state of Iowa, relating to the qualifications of members of the house  
of representatives, and to provide for its reference and publication.

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

1 SECTION 1. That the following amendment to the constitution of  
2 the state, be and the same is hereby proposed, viz:  
3 Strike out the word "male" from section four (4) of article three  
4 (3) of said constitution, relating to the legislative department.  
5 Resolved further, That the foregoing proposed amendment to the  
6 constitution of the state of Iowa be and the same hereby is referred to  
7 the Legislature, to be chosen at the next general election for members  
8 of the General Assembly, and that the Secretary of State cause the  
9 same to be published for three months previous to the date of said  
10 election as provided by law.

Approved February 23, A. D. 1923.

## CHAPTER 388

### MOTHERS' DAY

H. J. R. 6

JOINT RESOLUTION providing for the annual display of the American flag on mothers'  
day, the second Sunday in May.

WHEREAS, the service rendered to the United States by our American  
homes is the supreme source of our country's strength and inspiration;  
and

WHEREAS, the American mother has done, and is doing, so much for the home, the moral, industrial and spiritual uplift, therefore,

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

1 SECTION 1. Mothers' Day—observance—proclamation. That the  
2 governor of this state is hereby authorized and requested to issue  
3 annually a proclamation calling upon our state officials to display the  
4 American flag on all state and school buildings, and the people of the  
5 state to display the flag at their homes, lodges, churches and places  
6 of business, on the second Sunday in May, known as mothers' day,  
7 as a public expression of reverence for the homes of our state, and  
8 that the governor urge the celebration of mothers' day in said procla-  
9 mation in such a way as will deepen home ties, and inspire better  
10 homes and closer union between the commonwealth, its homes, and  
11 their sons and daughters.

Approved April 18, A. D. 1923.

## CHAPTER 389

### BANKS AND BANKING

H. J. R. 7

JOINT RESOLUTION authorizing the secretary of state to make senate file 563, passed by the fortieth general assembly, effective immediately by publication.

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

1 SECTION 1. Publication clause. That senate file No. 563, passed by  
2 the fortieth general assembly, and approved by the governor, being  
3 deemed of immediate importance shall take effect and be in full force  
4 from and after its publication in the Des Moines Register and the Des  
5 Moines Capital, newspapers published in the city of Des Moines, Iowa,  
6 and the secretary of state is hereby authorized and directed to cause  
7 senate file No. 563 to be published as provided herein.

Approved April 11, A. D., 1923.

See chapter 189.

## CHAPTER 390

## JUDICIAL DISTRICTS

H. J. R. 8

JOINT RESOLUTION authorizing the secretary of state to make house file No. 356, passed by the fortieth general assembly, effective immediately by publication.

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

1 SECTION 1. Publication clause. That house file No. 356, passed by  
2 the fortieth general assembly, and approved by the governor, being  
3 deemed of immediate importance shall take effect and be in full force  
4 from and after its publication in the Des Moines Register and the Des  
5 Moines Capital, newspapers published in the city of Des Moines, Iowa,  
6 and the secretary of state is hereby authorized and directed to cause  
7 house file 356 to be published as provided herein.

Approved April 12, A. D. 1923.

See chapter 203.





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